



DISTRICT MAGISTRATE OF

LD.29.III

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GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

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# LEGISLATION AND ORDERS RELATING TO THE WAR

VOLUME III

(THIRD EDITION)



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## **PREFACE.**

The matter contained in Volume II of the second edition of this publication and not included in Volume II of the third edition has now been revised and corrected up to the 1st May, 1942, and is published in this Volume.

L. E. JAMES,  
*Assistant Secretary,*  
*Legislative Department.*

SIMLA,  
*The 10th August, 1942.*



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# LEGISLATION AND ORDERS RELATING TO THE WAR.

## PART VII.

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### Rules and Orders under Central Acts other than the Defence of India Act, 1939.

#### THE SEA CUSTOMS ACT, 1878 (VIII OF 1878).

*Finance Dept. (Central Revenues), No. 57, dated the 9th September, 1939.*—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to prohibit the bringing into or the taking out of British India by sea or by land of any document, pictorial representation, photograph or other article whatsoever recording any "confidential information", "information likely to assist the enemy" or "prejudicial report", as defined in rule 34 of the Defence of India Rules.

[ *Gazette of India, 1939, Extraordinary, p. 259.* ]

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*Finance Dept. (Central Revenues), No. 62, dated the 28th October, 1939.*—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to prohibit the bringing by sea or land into British India from any place other than Burma, except on the authority of a licence granted in this behalf by the Reserve Bank of India, silver bullion and silver sheets and plates which have undergone no process of manufacture subsequent to rolling.

[ *Gazette of India, 1939, Pt. I, p.1771.* ]

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*Commerce Dept., No. 135-M. I. (War) (8)/39, dated the 3rd January, 1940.*—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to prohibit the bringing into British India by sea or by land across any customs frontier, except on the authority of a general or special permit granted in this behalf by the Central Government, of any goods which at any time after the 2nd September, 1939 formed part of the cargo of a German ship which had taken refuge in a neutral port.

[ *Gazette of India, 1940, Extraordinary, p. 3.* ]



THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

*Commerce Dept., No. 135-M. I. W. (46)/40, dated the 29th June, 1940.*—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to prohibit the bringing into British India by sea or by land across any customs frontier, except on the authority of a general or special permit granted in this behalf by the Central Government, of any goods which at any time after the 11th June, 1940 formed part of the cargo of an Italian ship which had taken refuge in a neutral port.

[*Gazette of India*, 1940, Pt. I, p. 916.]

*Commerce Dept., No. 135-M. I. W. (40)/40, dated the 27th July, 1940.*—In pursuance of the notification of the Government of India in the Department of Commerce, <sup>1</sup>No. 135-M. I. (War) (8)/39, dated the 3rd January, 1940, the Central Government is pleased to permit the import from the Dutch East Indies into British India by sea or by land across any customs frontier of goods of the description specified in the said notification in respect of which a certificate is issued by or on behalf of Messrs. Cox and Kings (Agents), Limited, in the form annexed hereto.

*Form of Certificate.*

No.....

RESHIPPED FROM PORT OF REFUGE UNDER ARRANGEMENTS  
MADE BY THE LONDON CHAMBER OF COMMERCE.

ISSUED BY AUTHORITY OF HIS MAJESTY'S GOVERNMENT  
IN THE UNITED KINGDOM.

---

COX & KINGS (AGENTS), LTD.

## CERTIFICATE.

This is to certify that the goods detailed on the reverse hereof were  
originally shipped from

to

in the S.S.

of the

which vessel took refuge at the Port of

on or after the outbreak  
of war, and that the original Bills of Lading for these goods have been

---

<sup>1</sup> *Supra*, p. 1.

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

surrendered to the said Steamship Company or its Agents or Letter of Indemnity furnished in lieu thereof, in order to regain possession of them at \_\_\_\_\_ on behalf of \_\_\_\_\_

under the arrangement made by the London Chamber of Commerce with the German Shipping Lines. In accordance with instructions given by the said goods have been reshipped in the s.s. \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

for account of \_\_\_\_\_

Issued at \_\_\_\_\_

On behalf of Cox & Kings (Agents), Ltd. by \_\_\_\_\_

Signature.....

Date:.....

Seal of the London  
Chamber of Commerce  
Incorporated.

[ *Gazette of India*, 1940, Pt. I, p. 1080.]

*Finance Dept. (Central Revenues), No. 15, dated the 1st March, 1941—*  
In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of the notification of the Government of India in the Finance Department (Central Revenues), No. 53, dated the 4th September, 1939, the Central Government is pleased to prohibit the bringing by sea or land into British India from any place other than Burma of gold coin, gold bullion or gold ingots whether refined or unrefined, except on the authority of a licence granted in this behalf by the Reserve Bank of India.

[ *Gazette of India*, 1941, Pt. I, p. 333.]

*Finance Dept. (Central Revenues), No. 3-C. Cus., dated the 8th June, 1940.*—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to exempt the goods specified below from the duty leviable thereon under the Indian Tariff Act, 1934 (XXXII of 1934), namely:—

- (i) All equipment certified by the Central or a Provincial Government, or by an Air Raid Precautions Committee constituted by, or with the approval of, the Central or a Provincial Government to be imported solely for purposes connected with an official scheme of air raid precautions; and
- (ii) All equipment, imported either direct or through an agent duly authorised in this behalf, by St. John Ambulance Associa-

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

tion or other Association recognised by the Central Government in this behalf and certified by that Association to be required for the purpose of giving instruction in air raid precautions.

[*Gazette of India*, 1940, Pt. I, p. 818.]

*Finance Dept. (Central Revenues), No. 4-C., dated the 15th June, 1940.*—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to exempt from the customs duty leviable thereon goods imported by the Central Government for the use of the Defence Services.

[*Gazette of India*, 1940, Pt. I, p. 857.]

*Finance Dept. (Central Revenues), No. 52, dated the 26th October, 1940.*—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to exempt from the customs duty leviable thereon the following goods, namely :—

"Knitting wool imported by any society of voluntary workers for

[ *Gazette of India*, 1940, Pt. I, p. 1505.]

*Finance Dept. (Central Revenues), No. 24-A, dated the 29th March, 1941.*—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to exempt, with effect on and from the 1st April 1941, all articles exported by the Government of India in the Defence Department, from the customs duty leviable thereon under the Agricultural Produce Cess Act, 1940 (XXVII of 1940).

[*Gazette of India*, 1941, Pt. I, p. 470.]

*Finance Dept. (Central Revenues), No. 71, dated the 20th December, 1941.*—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of the notifications of the Government of India in the Finance Department (Central Revenues), Nos. 1-C and 51, dated the 23rd April, 1940 and the 19th October, 1940 respectively, the Central Government is pleased to exempt from the customs duty leviable thereon the following goods, namely:—

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*concl'd.*

Goods (other than tobacco in any form and wines, spirits and alcoholic liquors) imported by post addressed to any soldier subject to the Army Act or to any airman subject to the Air Force Act or to any rating or marine subject to the Naval Discipline Act:

Provided that the Customs Collector is satisfied that the goods are "war comforts".

[*Gazette of India*, 1911, Pt. I, p. 1818.]

*Finance Dept. (Central Revenues), No. 16, dated the 21st February, 1912.*—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to exempt from the customs duty leviable thereon the following goods, namely, Defence supplies for the Chinese Government.

[*Gazette of India*, 1912, Pt. I, p. 364.]

*Finance Dept. (Central Revenues), No. 18, dated the 28th February, 1912.*—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to exempt from the customs duty leviable thereon the personal effects of personnel who are killed or die while on active service out of India.

[*Gazette of India*, 1912, Pt. I, p. 442.]

## THE INDIAN POST OFFICE ACT, 1898 (VI OF 1898).

*Comms. Dept., No. PTL/F.-143/39, dated the 23rd October, 1939.*—Whereas the notifications specified in Schedule I hereto annexed have been published prohibiting the bringing or taking by sea, land or air, into British India from any place other than Burma, or out of British India to any place other than Burma, goods of certain specified description:

In pursuance of section 25 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government is pleased to empower the officers mentioned in Schedule II hereto annexed, to search, or cause search to be made, for the goods described in the said notifications, in the course of transmission by post, and is further pleased to direct that the said officers shall deliver all postal articles found or reasonably believed to contain such goods to the nearest Collector of Customs.

*Schedule I.*

1. Notification of the Government of India in the Finance Department, No. 53-Customs, dated the 4th September, 1939, issued under section 19 of the Sea Customs Act, 1878 (VIII of 1878).

<sup>1</sup> See now No. 15, dated the 1st March, 1941, *supra*, p. 3.

THE INDIAN POST OFFICE ACT, '1898' (VI OF '1898)—*contd.*

2. Notification of the Government of India in the Finance Department, <sup>1</sup>No. 55-Customs, dated the 8th September, 1939, issued under sub-rule (2) of rule 84 of the Defence of India Rules.

2\* \* \* \* \*

<sup>3</sup>[3. Notification of the Government of India in the Department of Commerce, <sup>4</sup>No. 135-M. I. (War) (8)/39, dated the 3rd January, 1940, issued under section 19 of the Sea Customs Act, 1878.]

<sup>5</sup>[4. Notification of the Government of India in the Department of Commerce, <sup>6</sup>No. 65-C.W. (9)/40, dated the 15th May, 1940, issued under rule 84 of the Defence of India Rules.

5. Notification of the Government of India in the Department of Commerce, <sup>7</sup>No. 1-I.T.C/40, dated the 20th May 1940, issued under Rule 84 of the Defence of India Rules ]

*Schedule II.*

(1) The Presidency Postmasters, Deputy Presidency Postmasters and Assistant Presidency Postmasters at Bombay, Calcutta and Madras.

(2) The Postmasters, Deputy Postmasters and Assistant Postmasters at Karachi, Jodhpur, Delhi, Cawnpore, Allahabad, Jacobabad, Multan, Lahore, Poona, Ahmedabad, Secunderabad, Hyderabad (Deccan), Trichinopoly, Madras, Negapatam, Chittagong, Peshawar, Belgaum and Quetta

(3) The Superintendent, Foreign Post, Deputy Superintendent, Foreign Post and Assistant Superintendent, Foreign Post at Bombay.

(4) The Sub-Postmasters at Bahrain, Chaman, Nekkundi, Kankroli, Mirjawa, Gwahar R. S. and Bhuj.

(5) The Head Sorters of the 'F. M.', 'D', 'A', and 'T' Divisions of the R. M. S. and of the R. M. S. offices at Madras, Villupuram, and <sup>8</sup>[Marwar Junction ].

(6) The Sub-Record Clerk, R. M. S., Cawnpore.

(7) The Inspector-in-Charge, R. M. S., Madras

[ *Gazette of India*, 1939, Extraordinary, p. 437.]

<sup>1</sup> Vol II, p. 347.

<sup>2</sup> Original entry (3) omitted, Notfn. No. P. T. L/F.-104/40, dated the 25th September, 1940.

<sup>3</sup> Original entry (4) which was inserted by Notfn. No. P. T. L/F.-143/39-II, dated the 25th January, 1940, was renumbered (3), by Notfn. No. P. T. L/F.-104/40, dated the 25th September, 1940.

<sup>4</sup> *Supra*, p. 1

<sup>5</sup> *Ins.*, Commns. Dept. Notfn. No. P. T. L/F.-104/40, dated the 25th September, 1940

<sup>6</sup> See now No. 91-C.W.(6)/41, dated the 14th June, 1941, Vol. II, p. 362.

<sup>7</sup> See now No. 56-I.T.C/41, dated the 23rd August, 1941, Vol. II, p. 379.

<sup>8</sup> Subs., Notfn. No. P. T. L/F.-143/39-II, dated the 23rd December, 1939.

## THE INDIAN STAMP ACT, 1899 (II OF 1899).

*Commerce Dept., No. 11-W.R.I./40, dated the 14th September, 1910.*—In exercise of the powers conferred by section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government is pleased to exempt from stamp duty policies of insurance of goods against war risks issued in accordance with the 'War Risks (Goods) Insurance Scheme established under the War Risks (Goods) Insurance Ordinance, 1910.

[ *Gazette of India*, 1910, Pt. I, p. 1322.]

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## THE INDIAN PORTS ACT, 1908 (XV OF 1908.)

*Comms. Dept., No. W.-8, dated the 25th August, 1939.*—Whereas the Central Government is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in section 68-A of the Indian Ports Act, 1908, on the authorities exercising any powers or jurisdiction in the Port of Cochin should be imposed on those authorities continuously during the existence of the emergency.

Now, therefore, in exercise of the powers conferred by section 68-B of the said Act, the Central Government is pleased to authorise the Fortress Commander, Cochin, to require the said authorities in the Port of Cochin to perform the said duties until the Central Government is of opinion that the emergency has passed.

[ *Gazette of India*, 1939, Extraordinary, p. 183.]

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*Comms. Dept., No. W.-8 (10), dated the 1st September, 1939.*—Whereas the Central Government is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in section 68-A of the Indian Ports Act, 1908, on the authorities exercising any powers or jurisdiction in the Port of Bombay should be imposed on those authorities continuously during the existence of the emergency.

Now, therefore, in exercise of the powers conferred by section 68-B of the said Act, the Central Government is pleased to authorise the General Officer Commanding, Bombay District, to require the said authorities in the Port of Bombay to perform the said duties until the Central Government is of opinion that the emergency has passed.

[ *Gazette of India*, 1939, Extraordinary, p. 203.]

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*Comms. Dept., No. W.-8 (10), dated the 2nd September, 1939.*—Whereas the Central Government is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in section 68-A of the Indian Ports Act, 1908, on the

<sup>1</sup> See Notfn. No. 6-W. R. I./40, dated the 14th September, 1940, *infra*, p. 171.

THE INDIAN PORTS ACT, 1908 (XV OF 1908)—*contd.*

authorities exercising any powers or jurisdiction in the Ports of Karachi, Madras and Calcutta should be imposed on those authorities continuously during the existence of the emergency.

Now, therefore, in exercise of the powers conferred by section 68-B of the said Act, the Central Government is pleased to authorise the officers specified in column 1 of the Schedule hereto annexed, to require the authorities exercising any powers or jurisdiction in the Port specified

passed.

*Schedule.*

1	2
The Commander, Sind Brigade Area . . . . .	Karachi.
Officer Commanding, Madras . . . . .	Madras.
<sup>1</sup> [The Commander, Calcutta Area] . . . . .	Calcutta.

[ *Gazette of India*, 1939, Extraordinary, p. 211.]

*Comms. Dept., No. W.-8 (3)/41, dated the 26th March, 1941.*—Whereas the Central Government is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in section 68-A of the Indian Ports Act, 1908 (XV of 1908), on the authorities exercising any powers or jurisdiction in the port of Vizagapatam should be imposed on those authorities continuously during the existence of the emergency.

Now, therefore, in exercise of the powers conferred by section 68-B of the said Act, the Central Government is pleased to authorise the Fortress Commander, Vizagapatam, to require the said authorities in the port of Vizagapatam to perform the said duties until the Central Government is of opinion that the emergency has passed.

[ *Gazette of India*, 1941, Pt. I, p. 460.]

## THE INDIAN ARMY ACT, 1911 (VIII OF 1911).

*Defence Dept., No. 85, dated the 18th January, 1941.*—In exercise of the powers conferred by section 6 of the Indian Army Act, 1911 (VIII

<sup>1</sup> *Subs., Notfn. No. W.-8 (10), dated the 27th November, 1939.*

THE INDIAN ARMY ACT, 1911 (VIII of 1911)—*cond.*

of 1911), the Central Government is pleased to prescribe the officers specified in the first column of the Schedule annexed hereto, as the officers by whom the powers specified in the corresponding entry in the second column thereof shall be exercised as regards persons subject to the said Act who are serving out of India under the command of the officers specified in the first column of the said Schedule.

*The Schedule.*

Officers.	Powers.
<i>The Commander-in-Chief, Middle East</i>	<i>The powers which under the said Act may be exercised by an officer commanding an army.</i>
<i>The Commander-in-Chief, Far East</i>	<i>Ditto.</i>

[ *Gazette of India*, 1911, Pt. I, p. 101.]

## THE INDIAN TERRITORIAL FORCE ACT, 1920 (XLVIII of 1920).

*Defence Dept., No. 1208, dated the 10th August, 1940.*—Whereas an emergency has arisen which renders it necessary to embody certain units of the Indian Territorial Force to support and supplement His Majesty's regular forces in India :

Now, therefore, in pursuance of clause (b) of sub-section (2) of section 9 of the Indian Territorial Force Act, 1920 (XLVIII of 1920), the Central Government is pleased to direct that the following units of the Indian Territorial Force shall be embodied, with effect from the fifteenth day, of August, 1940 :—

1\*                      \*                      \*                      \*                      \*

14th Coorġ Battalion.                      .                      .                      .                      .

[ *Gazette of India*, 1940, Extraordinary, p. 485.]

*Defence Dept., No. 627, dated the 19th April, 1941.*—Whereas an emergency has arisen which renders it necessary to embody certain units of the Indian Territorial Force to support and supplement His Majesty's regular forces in India :

Now, therefore, in pursuance of clause (b) of sub-section (2) of section 9 of the Indian Territorial Force Act, 1920 (XLVIII of 1920), the Central Government is pleased to direct that the units of the Indian Territorial

\* Entries omitted, Defence Dept. Notfn. No. 1396, date the 23rd August, 1941.



THE INDIAN TERRITORIAL FORCE ACT, 1920 (XLVIII OF 1920)—*concl'd.*

Force mentioned in column 1 of the annexed Table shall be embodied to the extent shown in column 2 of the said Table :—

*The Table.*

Unit. 1	Extent to which embodied. 2
The Madras I. T. F. Medical Corps . . .	Personnel who have been appointed to units of the Indian Territorial Force already embodied.
The United Provinces I. T. F. Medical Corps	Ditto.
The Bengal I. T. F. Medical Corps . . .	Ditto.
The Ajmer-Merwara I. T. F. Medical Corps	Ditto.

[ *Gazette of India*, 1941, Pt. I, p. 514.]

*Defence Dept., No. 921, dated the 7th June, 1941.*—Whereas an emergency has arisen which renders it necessary to embody certain units of the Indian Territorial Force to support and supplement His Majesty's regular forces in India :

Now, therefore, in pursuance of clause (b) of sub-section (2) of section 9 of the Indian Territorial Force Act, 1920 (XLVIII of 1920), the Central Government is pleased to direct that the unit of the Indian Territorial Force mentioned in Column 1 of the annexed Table shall be embodied to the extent shown in Column 2 of the said Table :—

*The Table.*

Unit. 1	Extent to which embodied. 2
The Bombay I. T. F. Medical Corps . . .	Personnel who have been appointed to units of the Indian Territorial Force already embodied.

[ *Gazette of India*, 1941, Pt. I, p. 826 ]

## THE AUXILIARY FORCE ACT, 1920 (XLIX OF 1920).

*Defence Dept., No. 752, dated the 25th May, 1940.*—Whereas an emergency has arisen which renders it necessary to embody certain portions of the Auxiliary Force, India, to support and supplement His Majesty's regular forces :

THE AUXILIARY FORCE ACT, 1920 (XLIX OF 1920)—*contd.*

Now, therefore, in pursuance of clause (b) of section 18 of the Auxiliary Force Act, 1920 (XLIX of 1920), the Central Government is pleased to direct that the units of the Auxiliary Force, India, specified in Column I of the Schedule hereto annexed shall be embodied up to the extent specified in Column II thereof, with effect from the 25th May 1910.

*Schedule.*

1	2
No. 10 (Bombay) Battery, R. A.	Headquarters.
	Right Section less No. 2 Sub-Section.
	Left Section less No. 2 Sub-Section.
No. 3 (Bombay) Fortress Company, R. E.	Headquarters.
	No. 1 Section.
" " " " "	" " " "
" " " " "	" " " "

[*Gazette of India*, 1910, Pt. I, p. 778.]

*Defence Dept*, No. 468, dated the 22nd March, 1941.—Whereas an emergency has arisen which renders it necessary to embody a certain portion of the Auxiliary Force, India, to support or supplement His Majesty's regular forces:

Now, therefore, in pursuance of clause (b) of section 18 of the Auxiliary Force Act, 1920 (XLIX of 1920), the Central Government is pleased to direct that the unit of the Auxiliary Force, India, specified in column I of the Schedule hereto annexed shall be embodied up to the extent specified in column II thereof, with effect from the 22nd March 1941.

*Schedule.*

I	II
The Bombay Battalion . . . . 'A' Company.	

[*Gazette of India*, 1941, Pt. I, p. 430.]

\* Entry omitted, Defence Dept. Notfn. No. 1177, dated the 19th July, 1941.

\* Entry omitted, Defence Dept. Notfn. No. 763, dated the 10th May, 1941.

THE AUXILIARY FORCE ACT, 1920 (XLIX OF 1920)—*contd.*

*Defence Dept., No. 765, dated the 10th May, 1911.*—Whereas in the opinion of the Central Government an emergency has arisen which renders it necessary to support or supplement His Majesty's regular forces :

Now, therefore, in pursuance of clause (b) of section 18 of the Auxiliary Force Act, 1920 (XLIX of 1920), and in supersession of the Notification of the Government of India in the Defence Department,<sup>1</sup> No. 752, dated the 25th May 1910, in so far as it relates to the Madras Guards, the Central Government is pleased to direct that the said unit of the Auxiliary Force, India, shall be embodied with effect from the 10th May 1911.

[*Gazette of India*, 1911, Pt. I, p. 701.]

*Defence Dept., No. 920, dated the 7th June, 1911.*—Whereas in the opinion of the Central Government an emergency has arisen which renders it necessary to support or supplement His Majesty's regular forces :

Now, therefore, in pursuance of clause (b) of section 18 of the Auxiliary Force Act, 1920 (XLIX of 1920), the Central Government is pleased to direct that the unit of the Auxiliary Force, India, shown in Column I of the Schedule hereto annexed shall be embodied up to the extent shown in Column II thereof with effect from the 7th June 1911.

*Schedule.*

I	II
Calcutta and Presidency Battalion . .	" A " Company.

[*Gazette of India*, 1911, Pt. I, p. 826.]

*Defence Dept., No. 1177, dated the 19th July, 1911.*—Whereas in the opinion of the Central Government an emergency has arisen which renders it necessary to support or supplement His Majesty's regular forces :

Now, therefore, in pursuance of clause (b) of section 18 of the Auxiliary Force Act, 1920 (XLIX of 1920), and in supersession of the notification of the Government of India in the Defence Department,<sup>1</sup> No. 752, dated the 25th May 1910, in so far as it relates to No. 3 (Madras) Field Battery, R. A., "The Duke's Own", the Central Government is pleased to direct that the said unit of the Auxiliary Force, India, shall be embodied with effect from the 19th July 1911.

[*Gazette of India*, 1911, Pt. I, p. 1028.]

<sup>1</sup> *Supra*, p. 10.

THE AUXILIARY FORCE ACT, 1920 (XLIX OF 1920)—*concl'd.*

*Defence Dept., No. 1788, dated the 1st November, 1911.*—Whereas in the opinion of the Central Government an emergency has arisen which renders it necessary to support or supplement His Majesty's regular forces :

Now, therefore, in pursuance of clause (b) of section 18 of the Auxiliary Force Act, 1920 (XLIX of 1920), the Central Government is pleased to direct that the undermentioned unit of the Auxiliary Force, India, shall be embodied with effect from 23rd October, 1911.

Madras D. L. E. R. Section. R. E. A. F. I.

[*Gazette of India*, 1911, Pt. I, p. 1608.]

*Defence Dept., No. 166, dated the 24th January, 1912.*—Whereas in the opinion of the Central Government an emergency has arisen which renders it necessary to support or supplement His Majesty's regular forces :

Now, therefore, in pursuance of clause (b) of section 18 of the Auxiliary Force Act, 1920 (XLIX of 1920), and in supersession of the Notification of the Government of India in the Defence Department No. 766, dated the 10th May 1911, the Central Government is pleased to direct that the undermentioned unit of the Auxiliary Force, India, shall be embodied with effect from the 17th January 1912.

The Madras Signal Company, A. F. I.

[*Gazette of India*, 1912, Pt. I, p. 193.]

*Defence Dept., No. 167, dated the 24th January, 1912.*—Whereas in the opinion of the Central Government an emergency has arisen which renders it necessary to support or supplement His Majesty's regular forces :

Now, therefore, in pursuance of clause (b) of section 18 of the Auxiliary Force Act, 1920 (XLIX of 1920), the Central Government is pleased to direct that the unit of the Auxiliary Force, India, shown in Column I shall be embodied up to the extent shown in Column II, with effect from the 20th January 1912.

I

II

The Bangalore Battalion . . . . . No. 3 Platoon

[*Gazette of India*, 1912, Pt. I, p. 193.]

## THE INDIAN SOLDIERS (LITIGATION) ACT, 1925 (IV OF 1925).

*Defence Dept., No. 250, dated the 24th February, 1910*—In pursuance of clause (b) of section 3 of the Indian Soldiers (Litigation) Act,

THE INDIAN SOLDIERS (LITIGATION) ACT, 1925, (IV OF 1925)—*contd.*

1925 (IV of 1925), the Central Government is pleased to declare that the present hostilities between His Majesty and Germany shall constitute a state of war for the purposes of the said Act.

• [ *Gazette of India*, 1940, Pt. I, p. 235.]

*Defence Dept., No. 251, dated the 24th February, 1940.*—In exercise of the powers conferred by section 14 of the Indian Soldiers (Litigation) Act, 1925 (IV of 1925), the Central Government is pleased to direct that all the provisions of the said Act shall apply to senior officers of the Indian Territorial Force, in the same manner as they apply to Indian soldiers.

[ *Gazette of India*, 1940, Pt. I, p. 235.]

## THE INDIAN AIRCRAFT ACT, 1934 (XXII OF 1934).

*Commns. Dept., No. W.-10/1, dated the 28th August, 1939.*—Whereas the Central Government is of opinion that in the interests of public safety the issue of certain orders of the nature specified in clause (b) of sub-section (1) of section 6 of the Indian Aircraft Act, 1934 (XXII of 1934), is expedient ;

And whereas the taking of certain steps to secure compliance with the said orders appears to the Central Government to be necessary ;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (3) of the said section, the Central Government is pleased to make orders and to authorize the taking of steps to secure compliance with the same as follows :—

- (1) Save under the authority of, and in accordance with the conditions specified in, a permit in writing issued by the Director of Civil Aviation in India no aircraft shall be flown over any portion of British India between the hours of sunset and sunrise.

Provided that no such permit shall be valid within 50 miles of the defended ports of Karachi, Bombay, Madras or Calcutta if and when the Military Commander concerned has issued an order that night flying within these areas is prohibited, which order shall be conveyed to the holders of permits for night flying by radio electric or other means.

- (2) If an aircraft flying over any portion of British India between the hours of sunset and sunrise receives a visual signal consisting of an intermittent luminous white beam directed at the aircraft or any other visual signal or if in any other circumstances it is necessary to reveal its identity, it shall reply by visual signal only giving the special letter of the day previously issued to the Commander. If necessary or

THE INDIAN AIRCRAFT ACT, 1934 (XXII OF 1934)—*contd.*

requested it shall also signal by visual means its registration letters and aerodrome of destination.

Provided that if a radio electric signal enquiring the identity of the aircraft is received, the aircraft shall reply only by radio electric signal giving its registration letters and the aerodrome of destination. The special letter of the day shall not be signalled by radio electric means.

(3) If an aircraft flying over any portion of British India between the hours of sunset and sunrise receives the signal to land specified in clause (b) of Rule 110 of the Indian Aircraft Rules, 1937, the person in charge of the aircraft shall forthwith give the visual or radio electric signals in the circumstances and in accordance with the conditions prescribed in paragraph (2) hereof and shall forthwith cause the aircraft to land at the nearest aerodrome or at such aerodrome as may be indicated to him by visual or radio electric signal.

(4) If an aircraft on receiving any signal referred to in paragraphs (2) and (3) fails within a reasonable time to respond, or fails to establish its identity by signalling the special letter of the day when such letters have been communicated to aircraft in possession of permits or otherwise fails to comply with the orders or if any aircraft flies between the hours of sunset or sunrise over any area in respect of which no permit has been issued under paragraph (1), the aircraft may forthwith be fired on with a view to compelling it to land or terminating the flight.

[ *Gazette of India*, 1939, Extraordinary, p. 183 ]

*Commns. Dept., No W.-10/2, dated the 28th August, 1939.*—Whereas the Central Government is of opinion that in the interests of the public safety the issue of certain orders of the nature specified in clause (b) of sub-section (1) of section 6 of the Indian Aircraft Act, 1934 (XXII of 1934), is expedient ;

And whereas the taking of certain steps to secure compliance with the said orders appears to the Central Government to be necessary ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the said section, the Central Government is pleased to order :—

- (1) All aircraft flying within 50 miles of the defended ports of Karachi, Bombay, Madras, <sup>1</sup>[Calcutta, Cochin or Vizagapatam] shall be flown in such a manner that the aircraft and its registration marks are clearly visible from the ground. Such aircraft shall in no case be flown at a height greater

<sup>1</sup> Subs., Commns. D-pt. Notfn. No. W. 10(4)/40 (I), dated the 8th April 1941.

THE INDIAN AIRCRAFT ACT, 1934 (XXII OF 1934)—*could*

than 3,000 feet above the ground, nor, except as required by the exigencies of the weather or for the purpose of landing at or departing from a recognized aerodrome, at a height below 500 feet.

(2) Any aircraft flying in contravention of this order may be seized on.

[*Gazette of India*, 1939, Extraordinary, p. 184.]

*Comms. Dept., No. W.-10/3, dated the 28th August, 1939.*—The Central Government is of opinion that in the interests of safety the issue of certain orders of the nature specified in clause (1) of section 6 of the Indian Aircraft Act, 1934 (XXII of 1934), is expedient :

And whereas the taking of certain steps to secure compliance with the said orders appears to the Central Government to be necessary :

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (3) of the said section, the Central Government is pleased to make orders and to authorize the taking of steps to secure compliance with the same as follows :—

1. No person shall fly or assist in flying an aircraft over the areas specified in column 1 of the First Schedule annexed hereto except in the circumstances and in accordance with the conditions specified in the corresponding column 2 thereof [or under, and in accordance with the conditions specified in, a special permit granted in this behalf by the Central Government or the fortress commander at the place]; and the provisions of rule 12 of the Indian Aircraft Rules, 1937, shall apply to these areas as they apply to areas over which the navigation of aircraft is prohibited under that rule.
2. No aircraft shall enter British India from a place outside India or shall leave British India for a place outside India by landing at or departing from one of the appointed aerodromes at Karachi, Bombay, Madras, Trichy or Calcutta.
3. Every aircraft approaching or leaving Karachi [and over the area specified in column 1 of the First Schedule annexed hereto shall fly along the appropriate air route specified in the Second Schedule annexed hereto, and the provisions of rule 114 of the Indian Aircraft Rules

<sup>1</sup> Ins., Comms. Dept. Notfn. No. W. (10), dated the 1st September 1939

<sup>2</sup> Subs., Comms. Dept. Notfn. No. W. 10 (4)/40, dated the 23rd April 1940

<sup>3</sup> Ins., Comms. Dept. Notfn. No. W. 10 (4)/40 (II), dated the 8th April 1940

THE INDIAN AIRCRAFT ACT, 1934 (XXII OF 1934)—*contd.*

shall apply to those air corridors as they apply to air traffic routes.]

4. Any aircraft which fails to comply with any of the provisions of this Order may be fired on or otherwise compelled to land.

## THE FIRST SCHEDULE.

Area.	Circumstances and conditions.
1	2

## I.—KARACHI.

The area lying within a radius of eight miles from Keamari.	Seaplanes proceeding to or from Karachi seaplane port shall be flown along the Corridor prescribed in Schedule II and subject to the conditions prescribed in paragraph 3.
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## II.—CALCUTTA.

The area to the south of the following lines—

A straight line joining the mouth of the Haringhata River. (Latitude  $21^{\circ} 35'$  N. Longitude  $89^{\circ} 55'$  E) and Dum Dum Junction Railway Station, thence a straight line to Amta Railway Station; thence the Damodar River downstream to the Bengal Nagpur Railway; thence the railway line via Khargpur to Balasore.]

## III.—BOMBAY.

The area (excepting the area within a radius of two miles of Juhu aerodrome) to the west and south of the following lines.—

The railway line from Dahanu and Bassein Bridge to Khar Railway

When it is necessary by reason of poor visibility or other emergency to follow the railway lines or road specified in column 1, aircraft may be flown over the area provided that they are not flown at an altitude exceeding 1,500 feet or at a distance from the railway line or road exceeding 400 yards and the provisions contained in rule 114 of the Aircraft Rules, 1937, are observed.]

\* 1 Subs., Commns. Dept. Notfn. No. W. 10 (4)/40, dated the 23rd April 1940



THE INDIAN AIRCRAFT ACT, 1934 (XXII OF 1934)—*contd.*

Area. 1	Circumstances and conditions. 2
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## IV.—MADRAS.

The area (excepting the area within a radius of two miles of St. Thomas' Mount aerodrome) to the east of the following line :—

The railway line from Tindivanam in the south to St. Thomas' Mount Railway Station; thence a straight line to Pujal Lake; thence the Madras-Nellore road to its junction with the railway; thence the railway line from Madras as far north as Gudur.

## V.—ASSAM.

The area in British India lying to the east of a line southward from the Tibetan Frontier at Dolungmukh to Jochat; thence along the railway line *via* Titabar to Dimaapur; thence along the road *via* Kokoma to Imphal; thence a straight line to Loktak lake, thence a line due south to the Burmese Frontier.

Aircraft may fly over and across the prohibited area when previous permission of the Commander, P. and A. District, has been obtained.]

## VI.—POONA.

(i) The area lying within the following lines :—

Baudhan Khurd—Kasarpadi—Dighi Hill—East corner of the Central Jail—Hadapsar village—Eastern extremity Kharakvasla Lake—Baudhan Khurd.

(ii) The area lying within a radius of three miles from Dehu Road (SHELARWADI) Railway Station.

(a) On normal take-off and landing circuits aircraft may enter the prohibited area within a radius of 1,500 yards from the Western boundary of the landing ground.

(b) Aircraft may enter the prohibited area for the purpose of Army Co-operation flying when previous permission of Headquarters, Southern Command, has been obtained.]

## VII.—COCHIN.

The area in British India lying to the east of a line southward from the Tibetan Frontier at Dolungmukh to Jochat; thence along the railway line *via* Titabar to Dimaapur; thence along the road *via* Kokoma to Imphal; thence a straight line to Loktak lake, thence a line due south to the Burmese Frontier.

Along the Periyar river from its mouth to Alwaye, thence to Vailam along the road *via* Edappalli and Tripunittura.

<sup>1</sup> Subs., Commns. Dept. Notfn. No. W. 10 (4)/40, dated the 3rd December 1940.

<sup>2</sup> Subs., Commns. Dept. Notfn. No. W. 10 (4)/40, dated the 3rd February 1941.

<sup>3</sup> Added, Commns. Dept. Notfn. No. W. 10 (4)/40 (II), dated the 8th April 1941.

THE INDIAN AIRCRAFT ACT, 1934 (XXII OF 1934)—*contd.*

Area.	Circumstances and conditions.
1	2
VIII.—VIZAGAPATAM.	
<p>The area (excepting the area within a radius of 1½ miles of Vizagapatam aerodrome) to the east of the following lines:—</p> <p>A straight line joining Konada to</p>	

## THE SECOND SCHEDULE.

*Air corridors.*

#### 41.—KARACHI.

A. To and from the West—

From Jiwani along and within 10 miles of the coast to Karachi

*Landplanes*—North side of the Karachi prohibited area.

*Scaplanes*—At an altitude not exceeding 1,000 feet within a zone 1,000 yards in width along the course due west from the Scaplane Port to the coast, thence within a zone 1,000 yards in width along the coast to the limits of the prohibited area.

B. *To and from the East*—

*Landplanes*—No corridor.

*Seaplanes*—At an altitude not exceeding 1,000 feet within a zone 1,000 yards in width along the course due east from the Seaplane Port to the limits of the prohibited area.]

<sup>2</sup>[IL.—COCHIN.

A. To and from the North—

A zone one mile in width along the railway line, where it enters the prohibited area to the aerodrome.

B. *To and from the South*—

A zone one mile in width along a straight line from the aerodrome to Tripun-  
tura ]

[*Gazette of India*, 1939, Extraordinary, p. 184]

<sup>1</sup> Subs., Commns. Dept Notfn. No W. 10 (4)/40, dated the 6th March 1941.

<sup>1</sup> Added, Comms. Dept. Notia. No W. 10(4)/40 (II), dated the 8th April 1941.

THE INDIAN AIRCRAFT ACT, 1934 (XXII OF 1934)—*contd.*

*Commns. Dept., No. W.-2 (4), dated the 2nd September, 1939.*—Whereas the Central Government is of opinion that in the interests of public safety the issue of certain orders of the nature specified in clause (b) of sub-section (1) of section 6 of the Indian Aircraft Act, 1934 (XXII of 1934), is expedient ;

And whereas the taking of certain steps to secure compliance with the said orders appears to the Central Government to be necessary ;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (3) of the said section, the Central Government is pleased to make orders and to authorize the taking of steps to secure compliance with the same as follows :—

- (1) Save under the authority of, and in accordance with the conditions specified in, a permit in writing issued by the Director of Civil Aviation in India, no photograph shall be taken from an aircraft in flight over any portion of British India.
- (2) Any Customs Officer, any Aerodrome Officer and any other person specially authorised in this behalf may search any aircraft and the baggage of the crew and passengers of any aircraft, and may seal any cameras carried or intended to be carried on the aircraft in flight, and no person shall remove any seal so placed on a camera until the camera is removed from the aircraft.
- (3) The Commander or other person in charge of an aircraft, entering British India, shall collect all cameras in the possession of members of the crew or passengers of the aircraft when it enters British India and shall place all such cameras in a place of security and shall deliver the cameras to the Customs Officer or Aerodrome Officer at the Airport of entry for sealing before the flight of the aircraft is resumed.
- (4) If it appears to any Aerodrome Officer, Customs Officer, Police Officer above the rank of Sergeant, any Commissioned Officer of His Majesty's Forces or any other person specially authorised in this behalf, that any photograph has been taken in contravention of this Order, he may without prejudice to any other action which may be taken, confiscate or destroy the film or plate or confiscate the camera with which the photograph was taken.

[*Gazette of India, 1939, Extraordinary, p 205*]

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*Commns. Dept., No. W.-10/1, dated the 25th August, 1939.*—In exercise of the powers conferred by sub-section (3) of section 6 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased

THE INDIAN AIRCRAFT ACT, 1934 (XXII OF 1934)—*concl'd.*

to authorize the officers specified in the Schedule annexed hereto, to take, for the purpose of securing compliance with any order made (whether before or after the date of notification) under sub-section (1) of the said section, any of the following steps, namely :—

- (a) to inspect and take possession of or detain any aircraft or part thereof or any documents appertaining thereto ;
- (b) to use such force as may be necessary for the purpose aforesaid.

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SCHEDULE.

Director of Civil Aviation.

Deputy Director of Civil Aviation.

Chief Inspector of Aircraft.

Chief Aerodrome Officer.

Technical Officers

Aircraft Inspectors.

Assistant Aircraft Inspectors (Grade I).

Aerodrome Officers.

Assistant Aerodrome Officers when holding independent charge of an aerodrome.

Any Commissioned Officer of His Majesty's Forces in India.

District Magistrates.

District Superintendents or Superintendents of Police.

[*Gazette of India*, 1939, Extraordinary, p. 186 ]

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THE FACTORIES ACT, 1934 (XXV OF 1934).

*Labour Dept., No. L-1882, dated the 19th August, 1941.*—In exercise of the powers conferred by section 8 of the Factories Act, 1934 (XXV of 1934), the Central Government is pleased to exempt, for the duration of the present war, the Ordnance Clothing Factory, Delhi, from the provisions of sections 34 to 40 of the said Act.

[*Gazette of India*, 1941, Pt. I, p. 1208 ]

*Labour Dept., No. L-1882, dated the 20th August, 1941.*—In exercise of the powers conferred by section 8 of the Factories Act, 1934 (XXV of 1934), the Central Government is pleased to exempt, during the emergency created by the war and until further orders, all the Indian Army Ordnance Corps Establishment and Unit Workshops situated in the Centrally Administered Areas of Delhi, Ajmer-Merwara and Coorg, from the operation of section 47 of the said Act.

[*Gazette of India*, 1941, Pt. I, p. 1209 ]

## THE FACTORIES ACT, 1934 (XXV OF 1934)

*Labour Dept., No. L-1882, dated the 1st November, 1939.*—*contd.*  
 a public emergency has arisen in connection with the war.—Where-  
 cloth, the Central Government is pleased, in exercise of the power  
 conferred by section 8 of the Factories Act, 1934 (XXV of 1934), to  
 exempt for a period of six months the following factories from provi-  
 sions of section 34 of the said Act, namely :—

All cotton, spinning and weaving mills and factories in Delhi and  
 Ajmer-Merwara.

[*Gazette of India*, 1941, Extraordinary, p. 693.]

*Labour Dept., No. L-1882, dated the 23rd December, 1941.*—In exer-  
 cise of the powers conferred by section 8 of the Factories Act, 1934  
 (XXV of 1934), the Central Government is pleased to exempt, for the  
 duration of the present war, the Central Ordnance Depot, Delhi Canton-  
 ment, from the provisions of sections 34, 35 and 36 of the said Act.

[*Gazette of India*, 1941, Pt. I, p. 1868.]

INDIAN AIR FORCE VOLUNTEER RESERVE (DISCIPLINE) ACT, 1939  
(XXXVI OF 1939).

*E. A. Dept., No. 93-N., dated the 27th May, 1940.*—In pursuance of  
 sub-section (2) of section 95 of the Government of India Act, 1935,  
 the Governor General in his discretion is pleased to direct that the  
 enactments mentioned below shall apply to British Baluchistan :—

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7. The Indian Air Force Volunteer Reserve (Discipline) Act, 1939  
 (XXXVI of 1939).

\* \* \* \* \*

[*Gazette of India*, 1940, Pt. I, p. 790.]

*Defence Dept., No. 15, dated the 6th January, 1940.*—In pursuance  
 of sub-section (3) of section 1 of the Indian Air Force Volunteer Reserve  
 (Discipline) Act, 1939 (XXXVI of 1939), the Central Government is  
 pleased to appoint the 6th January, 1940, as the date on which the said  
 Act shall come into force.

[*Gazette of India*, 1940, Pt. I, p. 14.]

*D. C. Dept., No. 1-M. P., dated the 17th November, 1939*—In pursuance of section 1 of the Registration Ordinance, 1939 (Ordinance II of 1939),<sup>1</sup> the Central Government with the concurrence of the Crown Representative, is pleased to empower, in respect of persons residing in Indian States or administered areas, the political officers accredited to the Indian States, or in charge of the administered areas concerned, for the purposes of the said section.

[ *Gazette of India, 1939, Pt. I, p. 1866.* ]

*Defence Dept.*—In exercise of the powers conferred by section 5 of the Registration Ordinance, 1939,<sup>1</sup> the Central Government is pleased to make the following rules—

1. These Rules may be called the Registration Rules, 1939. Short title.
2. In these rules, unless there is anything repugnant in the subject or context,—
  - (a) "the Ordinance" means "the Registration Ordinance, 1939";
  - (b) "competent authority" means "the Officer Commanding the District or Independent Brigade Area within the limits of which the person concerned ordinarily resides".
3. For the purpose of section 3 of the Ordinance, the prescribed period shall be—
 

Period within which a person must register.

  - <sup>2</sup>[ (a) in the case of persons present in India at the commencement of the Ordinance, thirty days from that date, and ]
  - (b) in the case of persons becoming subject to the Ordinance after its commencement, fourteen days from the date on which they become so subject.
4. (1) For the purpose of section 4 of the Ordinance the prescribed authority shall be the competent authority. Disposal of claims in non finality.
  - (2) Where the statement of a claim is lodged with the registration authority in accordance with the provisions of sub-section (1) of section 3 of the Ordinance, the registration authority shall forward the same to the competent authority.

<sup>1</sup> Repealed by the Registration (Emergency Powers) Act, 1940 (1 of 1940), but this Notfn. is kept alive by virtue of the provisions of s. 7 of the Act.

<sup>2</sup> Subs., Home Dept. Notfn. No. 1-M.P., dated the 13th September, 1939.

THE REGISTRATION (EMERGENCY POWERS) ACT, 1940 (I OF 1940)—  
*contd.*

(3) On receiving a statement of claim under sub-rule (2), the competent authority shall, unless he allows the same, direct the authority appointed under section 4 of the Ordinance to apply for the decision of the claim to the District Magistrate or other officer specially empowered under the said section.

(4) If the competent authority or an officer deciding a question under section 4 of the Ordinance, allows a claim he shall forward a copy of his order to the registration authority.

5 <sup>1</sup>[(1) If any person registered under the Ordinance changes his . . . period not exceed-  
the change to the  
m; and that regis-  
tration authority within whose  
jurisdiction the new address is situated of the notification of the change.]

<sup>2</sup>[ Provided that a person in the service of the Crown or of a Rail-  
way need not notify any change of address within India unless  
he is transferred to the control of another registration autho-  
rity.]

(2) If any person refuses or, without lawful excuse (the burden of proving which shall lie upon him), neglects to make the notification required by sub-rule (1), he shall be punishable with a fine which may extend to two hundred rupees.

6. The registration authority shall maintain a register in Form I set out in the Schedule, and shall, as soon as may be after the commencement of the Ordinance, forward to the Central Government a copy of the register, and thereafter at weekly intervals, copies of all additions and alterations made therein.

7. The registration authority shall supply to every person registered under the Ordinance a certificate of registration in Form II set out in the Schedule.

## THE SCHEDULE.

### FORM I.

(See Rule 6)

*Form of particulars.*

1. Name in full.
2. Address.
3. Date of birth.

<sup>1</sup> Subs. Home Dept. Notification No. 1-M P., dated the 22nd February, 1940.

<sup>2</sup> Added, Home Dept. Notfn. No. 1, dated the 29th November 1940.

THE REGISTRATION (EMERGENCY POWERS) ACT, 1940 (I OF 1940)—  
*contd.*

4. Whether single, married or widower.
5. Number of dependents, specifying their relationship, if any, to him.
6. Profession or occupation, with full qualifications.
7. Name and nature of business, or name, address and nature of employer's business, or if employed in or under any Department of Government, the name of the Department.
8. Whether he has served, or undergone training of any description, in any naval, military or air force. If so, give particulars of such service or training, including date and duration thereof.
- 9 Whether he possesses, or has possessed, a flying licence.

*Signature and date.*

## FORM II.

*(See Rule 7.)**Certificate of registration.*

This is to certify that

(a)

(b)

(c)

of

has been registered

under the Registration Ordinance, 1939.

(a) Name, (b) Occupation, (c) Postal address.

*Signature of holder.**Signature of registration authority.*



THE REGISTRATION (EMERGENCY POWERS) ACT, 1940 (I OF 1940)—  
*concl'd.*

*Extract from the Registration Rules, 1939.<sup>1</sup>*

"5. (1) If any person registered under the Ordinance changes his registered address, he shall unless the change is for a period not exceeding 15 days, within seven days thereafter, notify the registration authority of such change.

(2) If any person refuses or, without lawful excuse (the burden of proving which shall be upon him), neglects to make the notification required by sub-rule (1), he shall be punishable with fine which may extend to two hundred rupees."

[*Gazette of India*, 1939, Extraordinary, p. 190.]

*D. C. Dept., No. 1 M P, dated the 17th November, 1939.*—In exercise of the powers conferred by clause (a) of sub-section (2) of section 5 of the Registration Ordinance, 1939 (Ordinance II of 1939),<sup>2</sup> the Central Government, with the concurrence of the Crown Representative, is pleased to make the following rule, namely :—

"In relation to European British subjects residing in Indian States or Administered Areas, the Political Officers accredited to the Indian State or in charge of the Administered Area, as the case may be, shall be the registration authority."

[*Gazette of India*, 1939, Pt. I, p. 1866.]

*D. C. Dept., No. 129-M P, dated the 26th February, 1940.*—In exercise of the powers conferred by sub-section (3) of section 1 of the Registration (Emergency Powers) Act, 1940 (I of 1940), the Central Government is pleased to appoint the 27th February, 1940, as the date on which the said Act shall come into force.

[*Gazette of India*, 1940, Extraordinary, p. 38.]

THE FOREIGNERS ACT, 1940 (II OF 1940).

*Home Dept., No. 21/84/39, dated the 27th August 1939.*—In pursuance of sub-section (3) of section 94 of the Government of India Act, 1935, the Governor General in Council is pleased to direct that the functions of the Central Government under the Foreigners Order, 1939,<sup>3</sup> shall,

<sup>1</sup> *Supra*, p. 23.

<sup>2</sup> Repealed by the Registration (Emergency Powers) Act, 1940 (I of 1940), but this Notfn. is kept alive by virtue of the provisions of s. 7 of the Act.

<sup>3</sup> *Infra*, p. 51.

THE FOREIGNERS ACT, 1910 (II OF 1910)—*contd.*

in the Chief Commissioners' Provinces, other than British Baluchistan, be discharged by the Chief Commissioner.

[ *Gazette of India*, 1939, Pt. I, p. 1481.]

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*Home Dept., No. 21/73/39-III, dated the 3rd September, 1939*—In pursuance of sub-section (3) of section 91 of the Government of India Act, 1935, the Governor General in Council is pleased to direct that the function of the Central Government of making orders of the nature specified in clauses (d), (e) and (f) of sub-section (2) of section 3 of the <sup>1</sup>[Foreigners Act, 1910], as respects enemy foreigners (as defined in the <sup>2</sup>Enemy Foreigners Order, 1939), shall in the Chief Commissioner's Provinces other than British Baluchistan, be discharged by the Chief Commissioner.

[ *Gazette of India*, 1939, Extraordinary, p. 216 ]

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*Home Dept., No. 32/5/41, dated the 14th May, 1941*.—In pursuance of sub-section (3) of section 91 of the Government of India Act, 1935, the Governor General in Council is pleased to direct that the function of the Central Government of making orders of the nature specified in section 3 of the Foreigners Act, 1910, shall, in the Andaman and Nicobar Islands, be discharged by the Chief Commissioner.

[ *Gazette of India*, 1941, Pt. I, p. 712.]

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*Home Dept., No. 9/52/41-I, dated the 16th January, 1942*.—In pursuance of sub-section (3) of section 91 of the Government of India Act, 1935, the Governor General in Council is pleased to direct that the function of the Central Government—

(a) of making orders of the nature specified in clauses (d), (e) and (f) of sub-section (2) of section 3 of the Foreigners Act, 1910 (II of 1910), as respects foreigners other than enemy foreigners (as defined in the <sup>2</sup>Enemy Foreigners Order, 1939) and

(b) of authorising, under section 10 of the said Act, their subordinate officers to exercise on their behalf the functions entrusted to them under clause (a) above,

<sup>3</sup>shall in the Chief Commissioners' Provinces other than British Baluchistan, the Andaman and Nicobar Islands and Panth-Piploda,

<sup>1</sup> Subs., Notfn. No. 62/12/40, dated the 3rd May, 1940.

<sup>2</sup> *Infra*, p. 38.

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

be discharged by the Chief Commissioner, subject to the condition that the Chief Commissioner shall, when authorising officers subordinate to him to exercise the functions entrusted to him under clause (a) of this notification, require that the said functions shall be exercised by such officers only in circumstances to be specified in the order of authorisation.

[ *Gazette of India*, 1942, Pt. I, p. 173.]

*E. A. Dept., No. 26-W., dated the 28th February, 1942.*—In pursuance of sub-section (3) of section 94, read with sub-section (1) of section 95, of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the functions of the Central Government—

(a) of making orders of the nature specified in clauses (d), (e) and (f) of sub-section (2) of section 3 of the Foreigners Act, 1910 (II of 1910), as respects foreigners other than enemy foreigners (as defined in the <sup>1</sup>Enemy Foreigners Order, 1939), and

(b) of authorising, under section 10 of the said Act, his subordinate officers to exercise on his behalf the functions entrusted to him under clause (a) above,

shall in British Baluchistan be discharged by the Chief Commissioner, subject to the condition that the Chief Commissioner shall, when authorising officers subordinate to him to exercise the functions entrusted to him under clause (a) of this notification, require that the said functions shall be exercised by such officers only in circumstances to be specified in the order of authorisation.

[ *Gazette of India*, 1942, Pt. I, p. 432 ]

*E. A. Dept., No. 1-G. S., dated the 28th August, 1939.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Foreigners Ordinance, 1939<sup>2</sup>, shall apply to British Baluchistan, subject to the modification that the reference to a police officer in section 9 thereof shall be deemed to include a reference to a levy officer not below the rank of a Jemadar.

[ *Gazette of India*, 1939, Extraordinary, p. 177.]

*E. A. Dept., No. 12-W., dated the 6th September, 1939.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935,

<sup>1</sup> *Infra*, p. 24

<sup>2</sup> Issued by the Foreigners Act, 1910 (II of 1940).

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

the Governor General in his discretion is pleased to direct that the function of the Central Government of making orders of the nature specified in clauses (d), (e) and (f) of sub-section (2) of section 3 of the <sup>1</sup>[Foreigners Act, 1910] as respects enemy foreigners (as defined in the <sup>2</sup>Enemy Foreigners Order, 1939), shall in British Baluchistan be discharged by the Chief Commissioner.

[*Gazette of India*, 1939, Extraordinary, p. 245.]

*E. A. Dept., No. 14-W., dated the 15th September, 1939.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, and in supersession of the Notification of the Government of India in the External Affairs Department, No. 2-G. S., dated the 28th August, 1939, the Governor General in his discretion is pleased to direct that all the functions of the Central Government under the Foreigners Order, 1939,<sup>3</sup> shall in British Baluchistan be discharged by the Chief Commissioner.

[*Gazette of India*, 1939, Extraordinary, p. 281.]

*E. A. Dept., No. 2-W., dated the 28th March, 1940.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Foreigners Act, 1910 (II of 1940), shall apply to British Baluchistan, subject to the modification that the reference to a police officer in section 9 thereof shall be deemed to include a reference to a levy officer not below the rank of a Jemadar.

[*Gazette of India*, 1940, Extraordinary, p. 81.]

*Home Dept., No. 21/84/39, dated the 31st August, 1939.*—It is hereby notified for general information that the functions of the Central Government under the <sup>2</sup>Foreigners Order, 1939, have been entrusted under sub-section (1) of section 124 of the Government of India Act, 1935, to Provincial Governments, with their consent, subject to the condition that notwithstanding this entrustment the Central Government may itself exercise any of the said functions in any particular case or classes of cases.

[*Gazette of India*, 1939, Extraordinary, p. 199.]

<sup>1</sup> Subs. Corrigendum No. 6-W., dated the 29th May, 1940.

<sup>2</sup> *Infra*, p. 33.

<sup>3</sup> *Infra*, p. 31.

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

*Home Dept., No. 21/73/39-II, dated the 3rd September, 1939.*—In exercise of the powers conferred by sub-section (1) of section 124 of the Government of India Act, 1935, the Governor General in Council is pleased to entrust to the Provincial Governments, with their consent, the function of making orders of the nature specified in clauses (d), (e) and (f) of sub-section (2) of section 3 of the <sup>1</sup>[Foreigners Act, 1910], as respects enemy foreigners (as defined in the <sup>2</sup>Enemy Foreigners Order, 1939), subject to the conditions—

- (1) that notwithstanding this entrustment the Central Government may itself exercise the said function either generally or in any particular case or class of cases, and
- (2) that the Provincial Governments shall not exercise the said function in a manner inconsistent with any orders which have been, or may hereafter be, issued by the Central Government under the said <sup>1</sup>[Act].

[*Gazette of India, 1939, Extraordinary, p. 216.*]

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*Home Dept., No. 9/52/41, dated the 16th January 1942.*—In exercise of the powers conferred by sub-section (1) of section 124 of the Government of India Act, 1935, and in supersession of the Notification of the Government of India in the Home Department No. 67/6/10-Political (E.), dated the 16th April, 1941, the Governor General in Council is pleased to entrust to the Provincial Governments, with their consent, the functions—

- (a) of making orders of the nature specified in clauses (d), (e) and (f) of sub-section (2) of section 3 of the Foreigners Act, 1910 (II of 1940), as respects foreigners other than enemy foreigners (as defined in the <sup>2</sup>Enemy Foreigners Order, 1939), and
- (b) of authorising under section 10 of the said Act, their subordinate officers to exercise on their behalf the functions entrusted to them under clause (a) above subject to the conditions—
  - (1) that notwithstanding this entrustment the Central Government may itself exercise the said functions either generally or in any particular case or class of cases ;
  - (2) that the Provincial Governments shall not exercise the said functions in a manner inconsistent with any orders which have been, or may hereafter be, issued by the Central Government under the said Act ; and

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<sup>1</sup> *Subs. Corrigendum No. 62/12/40, dated the 3rd May, 1940.*

<sup>2</sup> *Infra, p. 35.*

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

- (3) that the Provincial Governments shall, when authorising officers subordinate to them to exercise the functions entrusted to them under clause (a) of this notification, require that the said functions shall be exercised by such officers only in circumstances to be specified in the order of authorisation.

[ *Gazette of India*, 1942, Pt. I, p. 172.]

*E. A. Dept., No. 3-W., dated the 28th March, 1940.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, and in supersession of the Notification of the Government of India in the External Affairs Department, No. 3-G. S., dated the 28th August, 1939, the Governor General in Council is pleased to direct that the Foreigners Act, 1940 (II of 1940), and all general orders made or hereafter to be made thereunder applying to British India shall apply to all Tribal Areas :

Provided that all references to British India in the said Act and orders shall be construed as references to the Tribal Areas concerned.

[ *Gazette of India*, 1940, Extraordinary, p. 81.]

*Home Dept., No. 21/84/39, dated the 26th August, 1939*—In exercise of the powers conferred by section 3 of the Foreigners Ordinance, 1939,<sup>1</sup> the Central Government is pleased to make the following Order :—

1. (1) This Order may be called the Foreigners Order, 1939.

(2) It shall come into force at once.

(3) It extends to the whole of British India *excluding* those excluded and partially excluded areas which have been, or may be, excluded under the provisions of (1) of section 92 of

2. In this Order "Registration Officer" means a Registration Officer as defined in the Registration of Foreigners Rules, 1939

3. The Central Government may appoint civil authorities for the purposes of this Order for such areas as it thinks fit

<sup>2</sup>(4. (1) A civil authority for an area on the borders of British India may by order in writing—

(i) notwithstanding anything contained in the Indian Passport Act, 1920, or in the rules made thereunder, prohibit the

Short title,  
commencement  
and extent.

Definition.

Civil authority.

Power to  
prohibit the  
entry into a  
specified area  
of persons  
British India.

<sup>1</sup> Repealed by the Foreigners Act, 1940 (II of 1940), but this Notfn is kept alive by virtue of the provisions of s. 15 of this Act.

<sup>2</sup> Subs., Home Dept. Notfn. No. 21/3/40 Political (W.), dated the 13th March, 1940.

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

entry of any foreigner into the area from a place outside British India, or

- (ii) prohibit the departure of any foreigner from the area to a place outside British India.

(2) Whenever a civil authority issues an order under sub-rule (1) it shall report the matter forthwith to the Central Government which may cancel or modify the order in such manner as it thinks fit.]

5. (1) No foreigner shall, without the permission of the civil authority, visit, or reside in, any prohibited place as defined in the Indian Official Secrets Act, 1923.

(3) Where any foreigner is, on the commencement of this Order, residing in any prohibited place and is not permitted to continue to reside there, he shall, within such time as may be specified by the civil authority, remove himself from such place.

6. No foreigner shall, without the permission in writing of the civil authority, enter any premises relating to, or be employed in, or in connexion with—

(a) any undertaking for the supply to Government or to the public of light, petroleum, power or water, or

(b) any other undertaking which may be specified in this behalf by the Central Government.

[7. If in the opinion of the civil authority, it is necessary for the public safety so to do, the civil authority may arrest any foreigner without warrant and detain him in such manner and at such place as may to such authority appear suitable :

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police custody under the provisions of the Code of Criminal Procedure, 1898 (V of 1898).

8. The civil authority may, by order in writing, direct that any foreigner shall comply with such conditions as may be specified in the order in respect of—

(a) his place of residence,

(b) his movements,

(c) his association with any person or class of persons specified in the order, and

(d) his possession of such articles as may be specified in the order.]~

<sup>1</sup> Added, Home Dept. Notfn. No. 21/84/39, dated the 2nd September, 1939.

THE FOREIGNERS ACT, 1910 (II OF 1910)—*contd.*

<sup>1</sup>[9. The military officer for the time being in command of the forces in a cantonment may, by order in writing, direct any foreigner to remove himself from the cantonment, within such time as may be specified in the order.] Towers to remove foreigners from cantonments.

<sup>2</sup>[10. (1) Notwithstanding anything contained in the Registration of Foreigners Rules, 1939, and subject to the provisions of sub-paragraphs (2) and (4), every foreigner who is registered under the said rules shall, if he intends to make a journey to any place beyond the boundaries of the district in which he is for the time being residing, make a report in writing of his intention to make such journey to the Registration Officer of that district and shall furnish in the said report full particulars of his itinerary, including particulars of the places which he intends to visit and of the dates on which he expects to visit them.] Report on movements.

(2) Nothing in sub-paragraph (1) shall be deemed to require any foreigner who has made the report prescribed in that paragraph to make any further report in respect of the same journey to the Registration Officer of any district through which he may pass during the course of that journey.

Provided that if, after making the said report, the foreigner makes any change in his itinerary he shall report such change immediately to the Registration Officer to whom the said report was delivered and also to the Registration Officer having jurisdiction over any place which he may visit and which was not included in the itinerary furnished with the said report.

(3) The report prescribed by sub-paragraph (1) shall, in default of sufficient cause to the contrary being shown to the satisfaction of the Registration Officer, be delivered to the Registration Officer at least twenty-four hours before the foreigner commences his journey.

(4) The Registration Officer may, in special circumstances, issue, on the application of a foreigner to whom this paragraph applies, a travel permit expressed to be valid for one or more journeys to be made within a specified period and between specified places or within a specified area and, thereupon, the said foreigner shall be deemed to have made the report prescribed in sub-paragraph (1) in respect of any journey for which the said permit is expressed to be valid.]

<sup>3</sup>[11. No foreigner shall remain in, enter into, or pass through the North-West Frontier Province or that part of the Punjab which lies north and west of a line formed by the right bank of the river Indus

<sup>1</sup> Added, Home Dept. Notfn. No. 21/9/40 Political (W), dated the 11th March, 1940.

<sup>2</sup> Added, Home Dept. Notfn. No. 21/3/40, dated the 12th July, 1941.

<sup>3</sup> Added, Home Dept. Notfn. No. 66,3 40-11, dated the 14th January, 1942.



THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

as far as the confluence of that river with the river Punjnad, and the right banks of the rivers Punjnad and Chenab, unless he—

- (1) is an Afghan or a Nepalese subject ; or
- (2) is a Chinese subject who wishes to enter the area through Kashmir ; or
- (3) is a Russian subject of Uzbeg or Turkish origin who is proceeding to, or coming from a port by way of Peshawar on his way to or from a place sacred to Muslims in Iraq or Arabia and who remains in Peshawar for a period not exceeding seven days ; or
- (4) has been resident in the said area immediately before the 17th day of January, 1942, or
- (5) has obtained permission in writing in that behalf from the Government of the Punjab or of the North-West Frontier Province :

Provided that nothing in this paragraph shall apply to any traveller who is passing through the said area solely in transit to or from—

(i) Afghanistan so long as—

- (a) he is travelling by rail by the direct route between Peshawar and Gujrat and does not break his journey *en route* ;
- (b) he is travelling by road by the route Gujrat-Jhelum-Rawalpindi-Nowshera-Peshawar and does not break his journey elsewhere than at Rawalpindi or for more than twelve hours at Rawalpindi ; and
- (c) he is halting for not more than twenty-four hours in Peshawar at the commencement or termination of his journey through India on his way to or from Afghanistan ;

(ii) Baluchistan as long as he is travelling by road on the route Dehra Ghazi Khan-Multan and does not break his journey within the area.]

[ *Gazette of India*, 1939, Extraordinary, p. 176.]

*Chief Commissioner, Delhi, No. F-58/1/39-C., dated the 28th August, 1939.*—With reference to paragraph 3 of the Foreigners Order, 1939,<sup>1</sup> and in exercise of the powers delegated to him in this behalf by the Central Government, the Chief Commissioner is pleased to appoint the Superintendent of Police, Criminal Investigation Department, Delhi, to be the 'Civil Authority' for the Delhi Province, for the purpose of the said Order.

[ *Gazette of India*, 1939, Pt. II-A, p. 532.]

<sup>1</sup> *Supra*, p. 31.

THE FOREIGNERS ACT, 1910 (II OF 1940)—*contd.*

*Home Dept., No. 1127-P., dated the 30th August, 1939.*—In exercise of the powers conferred by paragraph 3 of the Foreigners Order, 1939,<sup>1</sup> delegated to him by the Central Government, the Chief Commissioner, Ajmer-Merwara, is pleased to appoint the Superintendent of District Police, Ajmer-Merwara, to be the 'Civil Authority' for the purposes of the said Order in the district of Ajmer-Merwara.

[ *Gazette of India*, 1939, Pt. II-A, p. 546.]

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*Rajputana Residency, No. 1227, dated the 4th September, 1939.*—In exercise of the powers conferred by paragraph 3 of the Foreigners Order, 1939,<sup>1</sup> as applied to the District of Abu and delegated to him by the Crown Representative, the Resident for Rajputana is pleased to appoint the District Magistrate, Abu, to be the 'Civil Authority' for the purposes of the said Order in the said district.

[ *Gazette of India*, 1939, Pt. I-A, p. 169.]

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*Rajputana Residency, No. 1229, dated the 4th September, 1939.*—In exercise of the powers conferred by paragraph 3 of the Foreigners Order, 1939,<sup>1</sup> as applied to the Rajputana Railway Lands as described in the Political Department Notification No. 193-I B, dated the 8th September, 1937, and delegated to him by the Crown Representative, the Resident for Rajputana is pleased to appoint the Superintendent, Railway Police, Ajmer-Merwara, Indore, to be the 'Civil Authority' for the purposes of the said Order in the said Railway Lands.

[ *Gazette of India*, 1939, Pt. I-A, p. 169.]

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*British Baluchistan, No. A-2/W [39-1644/P Z, dated the 17th September, 1939.*—In pursuance of paragraph 3 of the Foreigners Order, 1939,<sup>1</sup> the Chief Commissioner in British Baluchistan is pleased to appoint the Senior Superintendent of Police in Baluchistan and the Assistant Superintendent of Police, Zhob and Loralai, as 'Civil Authorities' in their respective jurisdictions for the purposes of the said Order.

[ *Gazette of India*, 1939, Pt. II-A, p. 559.]

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*Baroda Residency, No. 23900, dated the 26th September, 1939*—In exercise of the powers conferred by clause 3 of the Foreigners Order,

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<sup>1</sup> *Supra*, p. 31.

THE FOREIGNERS ACT, 1940 (II of 1940)—*contd.*

1939,<sup>1</sup> as applied to the Administered Areas in this Agency by the Political Department Notification<sup>2</sup> No. 319-I. B., dated the 28th August, 1939, the Resident for Baroda and the Gujarat States is pleased to appoint the following officers as 'Civil Authorities' for the areas mentioned against their names :—

1. Under Secretary to the Resident for Baroda and the Gujarat States . . . . . Baroda Cantonment.
2. District Deputy Political Agent, Rewa Kantha . . . Thana circles in Rewa Kantha
3. Deputy Political Agent, Dangs . . . . . Dangs.

[ *Gazette of India*, 1939, Pt. I-A, p. 181.]

*Home Dept., No. 62/3/40, dated the 9th April, 1940.*—In exercise of the powers conferred by paragraph 3 of the Foreigners Order, 1939,<sup>1</sup> the Central Government is pleased to appoint the Officers of the Customs Department specified in column 3 of the Schedule annexed hereto to be 'Civil Authorities' for the stations specified in the corresponding entry in column 2 thereof, for the purpose of paragraph 4 of the Foreigners Order, 1939<sup>1</sup> :—

*List.*

District.	Station.	Designation of Officer.
1	2	3.
<i>Air Ports.</i>		
Chingleput . . .	Minambakkam . . .	Customs Preventive Officer.
Trichinopoly . . .	Trichinopoly . . .	Customs Collector.
<i>Sea Ports.</i>		
South Arcot . . .	Porto Novo . . .	Customs Sub-Inspector.
South Kanara . . .	Kasargod . . .	Customs Clerk.
	Mulki . . .	Customs Clerk.
	Malpe . . .	Customs Sub-Inspector.
	Hangerkotta . . .	Customs Sub-Inspector.
	Coondapoor . . .	Customs Sub-Inspector.
Kistna . . .	Byndoor . . .	Customs Clerk.
	Mangalore . . .	Customs Assistant Inspector.
	Masulipatam . . .	Customs Sub-Inspector.
	Calicut . . .	Customs Assistant Inspector.
	Cannanore . . .	Customs Sub-Inspector.

<sup>1</sup> *Supra*, p. 31.

<sup>2</sup> *Infra*, p. 259

THE FOREIGNERS ACT, 1910 (II OF 1910)—*contd.*

District.	Station.	Designation of Officer.
1	2	3
<i>Sea Ports—contd.</i>		
Ramanad . . .	Tondli . . .	Customs Clerk.
	Kilakarai . . .	Customs Clerk.
	Devipatnam . . .	Customs Clerk.
	Pamban . . .	Customs Sub-Inspector.
	Mandapam . . .	Customs Collector at Pamban.
Tanjore . . .	Tranquebar . . .	Assistant Inspector, Salt and Customs.
	Topputhurai . . .	Customs Collector.
	Adirampatnam . . .	Customs Collector.
	Ammapatnam . . .	Customs Collector.
	Tirumalavasal . . .	Customs Collector.
Tinnevely . . .	Kulasekarapatnam . . .	Customs Clerk.
Vizagapatam . . .	Calingapatam . . .	Customs Collector.
	Baruva . . .	Customs Collector.
	Bimlipatam . . .	Customs Collector.
<i>Land Customs Frontiers</i>		
South Arcot . . .	Kandamangalam . . .	Asstt Commissioner of Salt Revenue, Pondicherry Frontier.
	Kandamangalam . . .	Customs Assistant Inspector.
	Kandappachavadi . . .	Customs Clerk
	Kottakuppam . . .	Customs Sub-Inspector
	Madalapet . . .	Customs Sub-Inspector.
	Mortandichavadi . . .	Customs Sub-Inspector.
	Nallathur . . .	Customs Clerk
	Pallinellianur . . .	Customs Clerk.
	Thukkanambakkam . . .	Customs Clerk.
	Valudavur . . .	Customs Sub Inspector.
Tanjore . . .	Kandangudi . . .	Customs Sub-Inspector.
	Nalladai . . .	Customs Clerk.
	Nandalar . . .	Customs Sub-Inspector.
	Peralam . . .	Customs Sub-Inspector.
	Sannamanagalam . . .	Customs Sub-Inspector.
	Velumargalam . . .	Customs Clerk.
	Sheshamulai . . .	Customs Clerk.
Malabar . . .	Velangudi . . .	Customs Clerk
	Kallayi . . .	Customs Clerk.

THE FOREIGNERS ACT, 1910 (II of 1910)—*contd.*

Home Dept., No. 21/73/39-I., dated the 3rd September, 1939.—In exercise of the powers conferred by sections 3, 4, 8 and 10 of the Foreigners Ordinance, 1939,<sup>1</sup> the Central Government is pleased to make the following Order, namely :—

## THE ENEMY FOREIGNERS ORDER, 1939.

## PART I.—PRELIMINARY.

1. (1) This Order may be called the Enemy Foreigners Order, 1939.

(2) It extends to the whole of British India, including those excluded and partially excluded areas to which the Foreigners Ordinance, 1939<sup>1</sup>, has been, or may hereafter be, applied by notification under sub-section (1) of section 92 of the Government of India Act, 1935. 1 of 1939.  
26 Geo 5  
Ch 2

2. In this Order,—

(a) "Civil Authority" means the Civil Authority appointed under paragraph 3 of the Foreigners Order, 1939;<sup>2</sup>

(b) "enemy foreigner" means a foreigner who possesses the nationality of a State at war with His Majesty, or, having possessed such nationality at any time, has lost it without acquiring any other nationality ;

(c) "internee" means any person arrested or liable to arrest under paragraph 9 of this Order ;

(d) "Ordinance" means the Foreigners Ordinance, 1939;<sup>3</sup> 1 of 1939.

(e) "registered address" means registered address as defined in the Registration of Foreigners Rules, 1939 ; and

(f) "Registration Officer" means a Registration Officer as defined in the Registration of Foreigners Rules, 1939

## PART II —GENERAL RESTRICTIONS ON ENEMY FOREIGNERS.

<sup>1</sup>[3 (1) No enemy foreigner shall depart from British India for a destination outside India except in accordance with the conditions of a permit issued—

(a) in relation to an enemy foreigner of the male sex who has attained the age of sixteen years, by the Central Government ; or

(b) in relation to any other enemy foreigner, by the Civil Authority having jurisdiction over the port from which the enemy foreigner leaves British India.

<sup>1</sup> Repealed by the Foreigners Act, 1940 (II of 1940), but this Notification is kept alive by virtue of the provisions of s. 15 of the Act.

<sup>2</sup> *Supra*, p. 31.

<sup>3</sup> Repealed by the Foreigners Act, 1940 (II of 1940)

<sup>4</sup> *Subs.*, Home Dept., Notification No. 62/10/10 Political (W), dated the 29th February, 1940.

THE FOREIGNERS ACT, 1910 (II OF 1910)—*contd.*

(2) No enemy foreigners shall depart from British India for a destination outside India across the external land frontiers of India.

(3) No enemy foreigner shall depart from British India by sea except at the port of Bombay :

Provided, that, if his destination lies to the north of Latitude 15°S. and east of Longitude 75°E., an enemy foreigner may also embark at the port of Calcutta.]

1[3-A. No enemy foreigner shall take out of British India—

(1) any gold ;

(2) any property, moveable or immoveable other than—

(a) personal luggage or effects in such quantity as the Civil Authority having jurisdiction over the port or other place at which the foreigner leaves British India, or any other officer authorised by the Provincial Government in this behalf, may decide to be reasonable, and

(b) resources whether in coin or negotiable instruments, or both, not exceeding the value of 2[Rs. 150, with the addition thereto of Rs. 50 in respect of each child travelling with the enemy foreigner] ;

(3) Any such article as is mentioned in sub-paragraph (1) or in clauses (a), (b), (d), (f), (g), (h), or (i) of sub-paragraph (2) of paragraph 7 or without the permission of the Civil Authority any such article as is mentioned in clause (c) or (e) of sub-paragraph (2) of that paragraph.

3-B. An enemy foreigner shall, at the time of embarking from British India, and on being required so to do by the Civil Authority or other officer appointed in this behalf by the Provincial Government, make a declaration as to the property in his possession, and, if so required, shall produce to such authority or officer any property or resources in excess of, or other than, those permitted by paragraph 3-A to be taken ; and such authority or officer may search any such foreigner and any baggage for the purpose of giving effect to this Order.]

4. No enemy foreigner shall change his residence without the permission in writing previously obtained of the Civil Authority for the area to which he proposes to transfer his residence.

5. Every enemy foreigner not under detention or confinement shall—

(a) report his presence at his registered address once in every 24 hours to the Registration Officer ; and

Restriction on taking out of British India gold and other property.

Restriction on change of residence.

Reports of presence and movements.

<sup>1</sup> Ins., Home Dept., Notifn. No. 21/132/39-Political (W), dated the 23rd November, 1939.

<sup>2</sup> Subs., Home Dept., Notifn. No. 62/2/40, dated the 20th February, 1940.

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

- (b) if he is at any time absent from his registered address for more than 24 hours, report once during every day of such absence to the nearest Civil Authority :

<sup>1</sup>[Provided that the Registration Officer or the Civil Authority, as the case may be, may exempt, wholly or partially, any enemy foreigner from compliance with this paragraph.]

Restriction  
on movements.

6. (1) No enemy foreigner shall travel in British India over a distance of more than five miles from the place of his registered address except in accordance with the conditions, and during the validity, of a written permit previously obtained from the Civil Authority.

(2) Every permit issued in pursuance of sub-paragraph (1) shall specify the foreigner's name, nationality and description, the place or places which he is authorised to visit, the purpose of the journey and the date of expiry of the permit.

Prohibited  
articles.

7. (1) No enemy foreigner shall have in his possession or control any firearms or ammunition.

(2) No enemy foreigner shall, without the permission of the Civil Authority, have in his possession or control—

- (a) any explosive or any material capable of being used for the manufacture of an explosive ;
- (b) more than three gallons of inflammable liquid ;
- (c) any motor-car, motor-cycle, seagoing craft or aircraft ;
- (d) any camera or other photographic apparatus ;
- (e) any wireless apparatus, telephone, field glasses or signalling apparatus ;
- (f) any map drawn to a scale larger than four miles to one inch ;
- (g) any nautical chart ;
- (h) any document intended for the use of members of any armed force ; or
- (i) any such document describing or depicting any ship, aircraft vehicle, weapon or equipment of a kind used by the armed forces of the Crown, or any such list of persons in His Majesty's Service, as may be specified by an order of the Central Government.

## PART III.—INTERNMENT OF ENEMY FOREIGNERS.

Internment  
camps.

8. The Central Government may for the purposes of this Order establish internment camps at such places as it thinks fit, and shall appoint a Commandant of every such camp.

<sup>1</sup> *I.L.A.*, Home Dept. Notfn. No. 21/132,59 Political (W.), dated the 23rd November, 1939.

THE FOREIGNERS ACT, 1910 (II OF 1910)—*contd.*

19. (1) The Civil Authority for any area may arrest, or cause to be arrested, any enemy foreigner of the male sex in that area who has completed the age of sixteen years :

Arrest and internment of certain enemy foreigners.

Provided that nothing in this sub-paragraph shall, except by an express direction of the Central Government, apply to any consul-general, consul, vice-consul, consular agent or person duly appointed by a foreign Government to exercise diplomatic functions.

(2) Every enemy foreigner arrested under the provisions of sub-paragraph (1) shall be surrendered, as soon as may be, to the Commandant of an internment camp :

Provided that if, at the time of his arrest, the enemy foreigner is suffering from any infectious disease, or is by reason of sickness unable to move, the Civil Authority making the arrest shall report the matter to the Commandant of an internment camp and await his instructions as to the time at which, and the internment camp to which, the arrested person should be removed.

(3) Every enemy foreigner surrendered to the Commandant of an internment camp in pursuance of sub-paragraph (2) shall be confined in an internment camp until otherwise directed by the Central Government.]

10. The Civil Authority shall, pending the surrender of an internee to the Commandant of an internment camp, detain or confine such internee in such manner and at such place as may to such Authority appear suitable :

Temporary detention of internees in civil custody.

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police custody under the provisions of the Code of Criminal Procedure, 1898.

11. (1) An internee may take with him to an internment camp such personal property as may be permitted by the Civil Authority arresting him, and may, subject to the approval of that Authority, dispose of the rest of his personal property in such manner as he desires.

Personal property of internees.

(2) Where an internee is unable to make arrangements for the disposal of such of his personal property as he is not allowed to take with him to the internment camp, the property shall remain in the custody of the Civil Authority making the arrest or of such other person as may be authorised by or under any law for the time being in force to take possession of property belonging to enemy foreigners.

12. (1) The Civil Authority may arrest without warrant any enemy foreigner, other than an internee, whom it reasonably suspects of having acted, or acting or of being about to act, with intent to assist a State at war with His Majesty, or in a manner prejudicial to the public safety or to the safety of any building or machinery.

Arrest and detention of suspected enemy foreigners.

<sup>1</sup> Sube, Home Dept. Notfn. No. 21/142/33, dated the 1st May 1940.



THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

(2) The Civil Authority making an arrest in pursuance of sub-paragraph (1) shall forthwith report the fact of such arrest to the Central Government, and pending the receipt of the orders of the Central Government, shall detain or confine the arrested person in such manner and at such place as may to such Authority appear suitable :

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police custody under the provisions of the Code of Criminal Procedure, 1898.

Procedure for  
the production  
of internees in  
Courts.

12-A. (1) No internee shall be removed from an internment camp for the purpose of appearing in any civil court, or, unless his attendance is required for the purpose of answering a charge of an offence, in any criminal court.

(2) If, in any court the attendance of an internee is required for the purpose of answering a charge of an offence, the provisions of sections 37, 38, 40 and 41 of the Prisoners Act, 1900 (III of 1900), shall apply as if references in the said sections to a prison, the officer in charge of a prison and the Provincial Government were references to an internment camp, the Commandant of an internment camp and the Central Government, respectively.

(3) If, in any case the evidence of an internee is required for the purpose of any proceeding in any civil court, the provisions of sections 44, 45 and 46 of the Prisoners Act, 1900 (III of 1900), shall apply as if references in the said sections to a prison and the officer in charge of a prison were references to an internment camp and the Commandant of an internment camp respectively, and as if in section 44 the words and figures " who, for any of the causes mentioned in section 42 or section 43, cannot be removed " in clause (a), and clauses (b) and (c) were omitted.

(4) If, in any case the evidence of an internee is required in connexion with any proceeding in a criminal court, it may be obtained by the issue of a commission in accordance with the provisions of Chapter XL of the Code of Criminal Procedure, 1898 (Act V of 1898).

(5) The provisions of sections 47 to 51 of the Prisoners Act, 1900 (III of 1900), shall apply as if references in the said sections to a prison, the officer in charge of a prison and the Provincial Government were references to an internment camp, the Commandant of an internment camp and the Central Government, respectively :

Provided that unless and until the Central Government makes rules of the nature described in the said section 51, the rules in force in the Province of Bombay shall *mutatis mutandis* be applicable.]

<sup>1</sup> Ins., Home Dept. Notfn. No. 31/42/40, dated the 4th April, 1940.

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

## PART IV.—SUPPLEMENTARY.

13. The Commander-in-Chief in India is hereby authorised to exercise all or any of the powers conferred on the Central Government—

Delegation of powers.

- (a) by section 4 of the Ordinance in relation to enemy foreigners arrested and surrendered to the Commandant of any internment camp under paragraph 9 of this Order; or
- (b) by paragraph 8 of this Order.

14. The provisions of this Order shall be in addition to, and not in derogation of, the provisions of—

Application of Foreigners Order, 1939, Registration of Foreigners Rules, 1939, not barred.

- (a) the Foreigners Order, 1939,<sup>1</sup> and
- (b) the Registration of Foreigners Rules, 1939.

[*Gazette of India*, 1939, Extraordinary, p. 213.]

*Defence Dept., No. 1611, dated the 5th December, 1939.*—In exercise of the powers conferred by sub-section (1) of section 4 of the Foreigners Ordinance, 1939,<sup>2</sup> read with sub-paragraph (a) of paragraph 13 of the Enemy Foreigners Order, 1939,<sup>3</sup> the Commander-in-Chief in India is pleased to make the following Regulations determining the conditions of discipline and the punishment of offences and breaches of discipline of enemy internees :—

## REGULATIONS.

1. (1) These Regulations may be called the Regulations for the Maintenance of Discipline among Enemy Internees, 1939.

(2) They shall apply to any internment camp established in pursuance of paragraph 8 of the <sup>3</sup>Enemy Foreigners Order, 1939.

*Part I.—General.*

2. Subject to the provisions of these Regulations, the custody of, and the maintenance of discipline among internees shall be regulated by orders issued by the Commandant of the internment camp.

3. (1) Any orders issued under regulation 2 shall be communicated to internees in a language which they understand.

(2) A copy of such orders shall be forwarded without delay for the information of the Commander-in-Chief in India, and the Commander-in-Chief may cancel or modify such orders as he thinks fit.

<sup>1</sup> *Supra*, p. 31

<sup>2</sup> Repealed by the Foreigners Act, 1940 (II of 1940), but this Notification is kept alive by virtue of the provisions of s. 15 of the Act.

<sup>3</sup> *Supra*, p. 23

THE FOREIGNERS ACT, 1910 (II OF 1910)—*contd.**Part II.—Enquiries into and punishment for offences.*

4. Any internee who contravenes, or fails to comply with, any order made under regulation 2 or 3 (2), or whose conduct is otherwise prejudicial to the maintenance of discipline among internees, shall be deemed to have committed <sup>1</sup>[an internment camp offence :

Provided that where the act constituting such offence constitutes an offence punishable under the Indian Penal Code with imprisonment for a term exceeding one year, it shall not be deemed to be an internment camp offence].

5. The Commandant of the internment camp upon receiving information of a charge made against an internee under his custody of having committed <sup>1</sup>[an internment camp offence], shall dismiss the charge, if he is of opinion that it ought not to be proceeded with.

<sup>1</sup>[6. If the Commandant is of opinion that the charge ought to be proceeded with, he may either deal summarily with the case or, if he is of opinion that the offence could not be adequately punished by him, he may forward the internee for trial, together with a statement of the circumstances of the case, to the Court of a Magistrate of the First Class having jurisdiction].

7. If the Commandant decides to deal summarily with the case, the accused person may demand that the evidence shall be taken on oath, and in such case the same oath or solemn declaration as that required to be taken of witnesses before a court-martial shall be administered to each witness.

8. Where the Commandant proceeds to deal with the case summarily, he may award the accused person any of the following punishments (hereinafter referred to as summary punishments), namely :—

(i) Detention for any period not exceeding twenty-eight days ;

(ii) Confinement to quarters for any period not exceeding 14 days during which period the offender may be required to answer his name at uncertain hours during the day and may be employed on extra fatigues duties ; or

(iii) Suspension of such privileges, not being privileges attaching to his status, as the Commandant may order ;

Provided that—

(a) if an internee is awarded detention for a period of ten days or more, he shall not be committed to the detention barrack within three days of the termination of any previous award of detention, and shall not again be committed to the deten-

<sup>1</sup> Subs., Defence Dept. Notfn. No. 994, dated the 6th July, 1940.

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

tion barrack within three days of the termination of the said period of ten days or more ;

- (b) an internee on whom a summary punishment is inflicted shall not be deprived of the privileges attaching to his status ;
- (c) an internee undergoing a summary punishment shall not be subjected to treatment less favourable than that prescribed, as regards punishment of the same kind, for persons of the like status subject to military law as soldiers.

9. A summary punishment of detention shall be awarded in hours up to a maximum of 168 hours, or in days, when the sentence exceeds that period.

A period of detention in hours shall be deemed to begin at the time when the internee under sentence is received at the camp detention barrack on the day of the award, or, if for any reason he has not been committed to the barrack on that day, on the day after the day of the award at the hour fixed for the commitment and release of persons under sentence of detention. A period of detention in days shall be deemed to begin on the day of the award.

10. A summary sentence of detention awarded by the Commandant shall be executed in such manner as the Commander-in-Chief in India may from time to time direct :

Provided that a class A internee who is sentenced to a summary punishment of detention shall not be placed in the same premises as a class B internee undergoing the same punishment

[11. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an internee who has been forwarded to a criminal court under regulation 6 for trial shall not be released on bail, nor remanded to custody otherwise than in the internment camp from which he has been brought to court.

(2) Where an internee has been remanded to custody in an internment camp under sub-regulation (1), he shall be kept under confinement in the camp detention barracks or elsewhere as the Commandant may direct :

Provided that the internee shall not, by virtue of such confinement, be subject to any other conditions which may be imposed on persons undergoing summary punishment.

(3) Where an internee is found by the criminal court to be guilty of an internment camp offence, the court shall, before determining the punishment to be awarded to the internee, receive and take into consideration such evidence as may be offered as to the previous conduct of the accused, and the general state of discipline, in the internment camp.]

<sup>1</sup> Subs. Defence Dept. Notf. No. 994, dated the 6th July, 1949.

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

12. An internee shall not be liable to be tried by a criminal court on any charge which has been dismissed or dealt with summarily under these Regulations, and shall not be liable to be dealt with summarily under these Regulations for any offence of which he has been acquitted or convicted by a competent criminal court.

13. (1) An internee who escapes from an internment camp and is recaptured before he has been able to escape from India shall be liable for such escape to a summary punishment only.

(2) An internee who, having escaped from India, is again captured, shall not be liable to any punishment for his previous escape.

(3) An internee who abets the escape, or attempt to escape, of another internee shall be liable only to summary punishment for such abetment.

14. An internee shall not be liable to be punished for submitting a petition or complaint with regard to the conditions of his internment, even though such petition or complaint is found to be groundless.

<sup>1</sup>[15. An internee convicted by a criminal court of an internment camp offence shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.]

<sup>2</sup>[16. (1) All trials under these Regulations shall be held within the limits of the internment camp and members of the public shall be excluded.

(2) The Commandant may leave the prosecution in the hands of the normal prosecution agency or appoint such person as he thinks fit to conduct the prosecution.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, or any other law, no pleader as defined in the said Code shall be entitled to appear or act on behalf of the accused without the previous consent of the Court.]

[*Gazette of India, 1939, Extraordinary, p. 501.*]

*E. A. Dept. No. 13-W., dated the 6th September, 1939.*—In exercise of the powers conferred by section 10 of the Foreigners Ordinance 1939 (Ordinance No. 1 of 1939),<sup>3</sup> as applied to the Tribal Areas, the Central Government is pleased to authorise the authority specified in column 1 of the Schedule hereto annexed to exercise in, or in respect of, the tribal areas specified in the corresponding entry in column 2 thereof, the power of making orders of the nature specified in clauses (d), (e) and (f) of sub-section (2) of section 3 of the said Ordinance, with respect to enemy foreigners as defined in the Enemy Foreigners Order, 1939.<sup>4</sup>

<sup>1</sup> Ins., Defence Dept. Notfn. No. 994, dated the 6th July, 1940.

<sup>2</sup> Ins., Defence Dept. Notfn. No. 1527, dated the 12th October, 1940.

<sup>3</sup> Repealed by the Foreigners Act, 1940 (II of 1940) but this Notification is kept alive by virtue of the provisions of s. 15 of the Act.

<sup>4</sup> *Supra*, p. 38

THE FOREIGNERS ACT, 1910 (II OF 1940)—*contd.**Schedule.*

1	2
Authority.	Tribal Areas.
1. Agent to the Governor General in the Punjab.	Tribal Areas in the Punjab.
2. Agent to the Governor General in the North-West Frontier.	Tribal Areas in the North-West Frontier.
3. Agent to the Governor General in Assam.	Tribal Areas in Assam.
4. Political Agent, Gilgit . . . .	Tribal Areas of Darel and Tangir.

[*Gazette of India, 1939, Extraordinary, p. 233.*]

*E. A. Dept., No. 15-W., dated the 15th September, 1939.*—In exercise of the powers conferred by section 10 of the Foreigners Ordinance, 1939 (Ordinance No. I of 1939),<sup>1</sup> as applied to the Tribal areas, and in supersession of the notifications of the Government of India in the External Affairs Department Nos. 4-G.S., and 5-G. S., dated the 28th August, 1939, the Central Government is pleased to authorise the authority specified in column 1 of the schedule hereto annexed, to exercise in, or in respect of, the Tribal Areas specified in the corresponding entry in column 2 thereof, all the functions of the Central Government under the Foreigners Order, 1939.<sup>2</sup>

*Schedule*

1	2
Authority	Tribal Areas.
1. Agent to the Governor General in the Punjab	Tribal Areas in the Punjab.
2. Agent to the Governor General in the North-West Frontier.	Tribal Areas in the North-West Frontier.
3. Agent to the Governor General in Assam	Tribal Areas in Assam.
4. Political Agent, Gilgit . . . .	Tribal Areas of Darel and Tangir.

[*Gazette of India, 1939, Extraordinary, p. 231.*]

<sup>1</sup> Repealed by the Foreigners Act, 1910 (II of 1940), but this Notfn. is kept alive by virtue of the provisions of s. 15 of the Act.

<sup>2</sup> *Supra*, p. 31

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

*Home Dept., No. 67/6/40, dated the 3rd September, 1940.*—In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 3 of the Foreigners Act, 1940 (II of 1940), the Central Government is pleased to make the following Order, namely:—

*The Foreigners (Purandhar Parole Centre) Order, 1940.*

1. (1) This Order may be called the Foreigners (Purandhar Parole Centre) Order, 1940.

(2) It applies to any foreigner in respect of whom there is in force an order made under clause (e) of sub-section (2) of section 3 of the Foreigners Act, 1940 (II of 1940), requiring him to reside in the parole centre at Purandhar (Poona District of the Province of Bombay).

2. In this Order,—

(i) “limits of the parole centre” means the limits demarcated by the boundary posts of the derelict cantonment of Purandhar,

(ii) “Superintendent” means the officer appointed by the Central Government to be the Superintendent of the parole centre.

3. No foreigner to whom this Order applies —

(i) shall leave the limits of the parole centre except under and in accordance with the conditions of a pass issued in that behalf by the Superintendent;

(ii) shall visit any such place within the limits of the parole centre as may be declared by the Superintendent to be out of bounds, except under and in accordance with the conditions of a pass issued in that behalf by the Superintendent;

(iii) shall absent himself without the previous permission of the Superintendent from the daily roll-call held by him;

(iv) shall entertain in his service any servant who has not been approved by the Superintendent, or the approval in respect of whom has subsequently been withdrawn by the Superintendent;

(v) shall bring, or have brought, into the parole centre any newspaper other than an English newspaper published in India or in England.

4. The following restrictions shall apply to the correspondence of all foreigners to whom this order applies:—

(i) “Letters” means letters, postcards, telegrams, etc.

letters should have double spacing.

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

- (ii) The words "Service of Prisoners of War" shall be written at the top left hand corner of each envelope.
- (iii) Envelopes shall be left open, and all letters shall be handed over to the Superintendent or placed in a box specially provided for that purpose. No foreigner shall post a letter in any public letter box or hand a communication to a third person for conveyance to its destination.
- (iv) Every foreigner detained in the Parole Centre will be permitted to send three letters each week free of postage.
- (v) No foreigner will be permitted to send telegrams ex-India. Telegrams to addresses in India may be sent with the permission of the Superintendent who should, in all cases, paraphrase them before issue. No foreigner shall hand in a telegram direct to a telegraph office or hand such a communication to a third person for the purpose of despatching it to its destination.

5. The Superintendent may from time to time issue such general or special instructions as he thinks fit for the purpose of maintaining discipline at the parole centre, and all such instructions shall be complied with by the foreigners concerned.

6. If a foreigner fails to comply with any instructions issued under clause 5, or with any other provision of this Order, or conducts himself in a manner prejudicial to the maintenance of discipline at the parole centre, the Superintendent may, without prejudice to any other action that may be taken against him for such failure or conduct,—

- (i) withdraw the privilege of getting newspapers;
- (ii) withdraw the privilege of writing and receiving letters;
- (iii) order the foreigner to be confined to his quarters.

[*Gazette of India*, 1940, Pt. I, p. 1285]

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*Home Dept., No. 10/139/VI/9/41-Intt., dated the 6th January 1942.*—In exercise of the powers conferred by section 4 of the Foreigners Act, 1940 (II of 1940), and by paragraph 8 of the 'Enemy Foreigners Order, 1939, the Central Government has determined that the walls and enclosure known as the Purana Qila at Delhi shall be an internment camp and shall be known as the Central Internment Camp, Delhi.

[*Gazette of India*, 1942, Extraordinary, p. 71.]

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*Home Dept., No. 3/6/42-Intt., dated the 7th February 1942.*—In exercise of the powers conferred by sub-section (1) of section 4 of the Foreigners Act, 1940 (II of 1940), the Central Government is pleased to make the



THE FOREIGNERS ACT, 1910 (II OF 1910)—*contd.*

following Regulations determining the conditions of discipline and the punishment of offences and breaches of discipline of internees :—

1. (1) These Regulations may be called the Internees (Discipline) Regulations, 1942.

(2) They shall apply to internees confined or detained in any place (hereinafter referred to as an internment camp) in pursuance of section 1 of the Foreigners Act, 1910 (II of 1910), but shall not apply to internees detained at Dehra Dun and Ramgarh.

2. The Central Government shall appoint a Commandant for every internment camp.

3. (1) Subject to the provisions of these Regulations, the custody of, and the maintenance of discipline among, internees shall be regulated by orders issued by the Commandant.

(2) A copy of such orders shall be forwarded without delay to the Central Government and the Central Government may cancel or modify such orders as it thinks fit.

(3) Orders issued under this regulation shall be communicated to internees in a language which they understand.

4. Any internee who contravenes, or fails to comply with, any order made under regulation 3, or whose conduct is otherwise prejudicial to the maintenance of discipline among internees, shall be deemed to have committed an internment camp offence :

Provided that where the act constituting such offence constitutes an offence punishable under the Indian Penal Code with imprisonment for a term exceeding one year, it shall not be deemed to be an internment camp offence.

5. The Commandant upon receiving information of a charge made against an internee under his custody of having committed an internment camp offence, shall dismiss the charge, if he is of opinion that it ought not be proceeded with.

6. If the Commandant is of opinion that the charge ought to be proceeded with, he may either deal summarily with the case, or, if he is of opinion that the offence could not be adequately punished by him, he may forward the internee for trial, together with a statement of the circumstances of the case, to the Court of a Magistrate of the first class having jurisdiction.

7. If the Commandant decides to deal summarily with the case, the accused person may demand that the evidence shall be taken on oath, and in such case the same oath or solemn declaration as that required to be taken of witnesses before a court established under the Code of Criminal Procedure, 1893, shall be administered to each witness.

THE FOREIGNERS ACT, 1940 (II OF 1940)—*contd.*

8. Where the Commandant proceeds to deal with the case summarily, he may award the accused person any of the following punishments (hereinafter referred to as summary punishments), namely :—

(i) Detention for any period not exceeding twenty-eight days.

(ii) Confinement to quarters for any period not exceeding 14 days during which period the offender may be required to answer his name at uncertain hours during the day and may be employed on extra fatigues duties ; or

(iii) Suspension of such privileges, not being privileges attaching to his status, as the Commandant may order ;

Provided that—

(a) If an internnee is awarded detention for a period of ten days or more, he shall not be committed to the detention barrack within three days of the termination of any previous award of detention, and shall not again be committed to the detention barrack within three days of the termination of the said period of ten days or more ;

(b) an internnee on whom a summary punishment is inflicted shall not be deprived of the privileges attaching to his status ;

(c) an internnee undergoing a summary punishment shall not be subjected to treatment less favourable than that prescribed, as regards punishment of the same kind, for persons of the like status subject to military law as soldiers.

9. A summary punishment of detention shall be awarded in hours up to a maximum of 168 hours, or in days, when the sentence exceeds that period. A period of detention in hours shall be deemed to begin at the time when the internnee under sentence is received at the camp detention barrack on the day of the award, or, if for any reason he has not been committed to the barrack on that day, on the day after the day of the award at the hour fixed for the commitment and release of persons under sentence of detention. A period of detention in days shall be deemed to begin on the day of the award.

10. A summary sentence of detention awarded by the Commandant shall be executed in such manner as the Central Government may from time to time direct :

Provided that a class A internnee who is sentenced to a summary punishment of detention shall not be placed in the same premises as a class B internnee undergoing the same punishment.

11. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an internnee who has been forwarded to a criminal court under regulation 6 for trial shall not be released on bail, nor remanded to custody otherwise than in the internment camp.

THE FOREIGNERS ACT, 1910 (II OF 1910)—*contd.*

(2) Where an internnee has been remanded to custody in an internment camp under sub-regulation (1) he shall be kept under confinement in the camp detention barracks or elsewhere, as the Commandant may direct :

Provided that the internnee shall not, by virtue of such confinement, be subject to any other conditions which may be imposed on persons undergoing summary punishment.

(3) Notwithstanding anything contained in the Indian Evidence Act, 1872, where an internnee is found by the criminal court to be guilty of an internment camp offence, the court shall, before determining the punishment to be awarded to the internnee, receive and take into consideration such evidence as may be offered as to the previous conduct of the accused, and the general state of discipline, in the internment camp.

12. An internnee shall not be liable to be tried by a criminal court on any charge which has been dismissed or dealt with summarily under these Regulations, and shall not be liable to be dealt with summarily under these Regulations for any offence of which he has been acquitted or convicted by a competent criminal court.

13. (1) An internnee who escapes from an internment camp and is recaptured before he has been able to escape from India shall be liable, for such escape, to a summary punishment only.

(2) An internnee who, having escaped from India, is again captured, shall not be liable to any punishment for his previous escape.

(3) An internnee who abets the escape, or attempt to escape, of another internnee shall be liable only to summary punishment for such abetment.

14. An internnee shall not be liable to be punished for submitting a petition or complaint with regard to the conditions of his internment, even though such petition or complaint is found to be groundless.

15. An internnee convicted by a criminal court of an internment camp offence shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

16. (1) All trials under these Regulations shall be held within the limits of the internment camp and members of the public shall be excluded.

(2) The Commandant may leave the prosecution in the hands of the normal prosecuting agency or appoint such person as he thinks fit to conduct the prosecution.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, or any other law, no pleader as defined in the said Code shall be entitled to appear or act on behalf of the accused without the previous consent of the court.

THE FOREIGNERS ACT, 1910 (II OF 1910)—*concl'd.*

*Home Dept., No. 21/14/40, dated the 1st August, 1940.*—In exercise of the powers conferred by section 8 of the Foreigners Act, 1910 (II of 1910), the Central Government is pleased to declare that the provisions of the Enemy Foreigners Order, 1939,<sup>1</sup> shall not apply to, or in relation to, any foreigner who was a citizen of the former Republic of Czechoslovakia.  
[*Gazette of India*, 1940, Pt. I, p. 1094.]

*E. A. Dept., No. 194-F., dated the 18th November, 1941.*—In exercise of the power conferred by section 10 of the Foreigners Act, 1910 (II of 1910), the Central Government is pleased to authorise the Chief Commissioner of British Baluchistan to exercise the power conferred by clause (c) of sub-section (2) of section 3 of the said Act in respect of expulsion of foreigners convicted of illegal entry into India by way of the land frontier.

[*Gazette of India*, 1941, Pt. I, p. 1687.]

*E. A. Dept., No. 27-W., dated the 28th February, 1942.*—In exercise of the powers conferred by section 10 of the Foreigners Act, 1910 (II of 1910), as applied to the Tribal Areas, the Central Government is pleased to authorise the authority specified in column 1 of the Schedule hereto annexed to exercise in, or in respect of, the tribal areas specified in the corresponding entry in column 2 thereof the power—

- (a) of making orders of the nature specified in clauses (g), (e) and (f), of sub-section (2) of section 3 of the said Act, as respects foreigners other than enemy foreigners (as defined in the <sup>1</sup>Enemy Foreigners Order, 1939), and
- (b) of authorising, under section 10 of the said Act, his subordinate officers to exercise on his behalf the power entrusted to him under clause (a) above, subject to the condition that the said authority shall, when authorising officers subordinate to him to exercise the power entrusted to him under clause (a) of this notification, require that the said power shall be exercised by such officers only in circumstances to be specified in the order of authorisation.

## SCHEDULE.

Authority. 1	Tribal Areas 2
1. Agent to the Governor General in the Punjab	Tribal Areas in the Punjab
2. Agent to the Governor General in the North-West Frontier	Tribal Areas in the North-West Frontier.
3. Agent to the Governor General in Assam.	Tribal Areas in Assam.
4. Political Agent, Gilgit . . . .	Tribal Areas of Darel and Tanzur.

[*Gazette of India*, 1942, Pt. I, p. 432.]

<sup>1</sup> *Supra*, p. 35

## THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940).

*Finance Dept. (Central Revenues), No. 8, dated the 13th April, 1940.*—In pursuance of sub-section (3) of section 1 of the Excess Profits Tax Act, 1940 (XV of 1940), the Central Government is pleased to appoint the 13th day of April, 1940, as the date on which the said Act shall come into force.

[*Gazette of India*, 1940, Pt. I, p. 499.]

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*E. A. Dept., No. 13-W., dated the 26th June, 1940.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935 the Governor General in his discretion is pleased to direct that the Excess Profits Tax Act, 1940 (XV of 1940), shall apply to British Baluchistan.

[*Gazette of India*, 1940, Pt. I, p. 907.]

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*E. A. Dept., No. 224-N., dated the 19th December, 1940.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that \* \* \* the Excess Profits Tax (Amendment) Act, 1940 (XLII of 1940) shall apply to British Baluchistan.

[*Gazette of India*, 1940, Pt. I, p. 1748.]

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*E. A. Dept., No. 51-F, dated the 1st April, 1941.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Excess Profits Tax (Amendment) Act, 1941 (XI of 1941), shall apply to British Baluchistan.

[*Gazette of India*, 1941, Pt. I, p. 467.]

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*E. A. Dept., No. 207-F., dated the 29th November, 1941.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Excess Profits Tax (Second Amendment) Act, 1941 (XXIV of 1941), shall apply to British Baluchistan.

[*Gazette of India*, 1941, Pt. I, p. 1748.]

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*C. B. R., No. 14, dated the 29th March, 1941.*—In pursuance of clause (8) of section 2 of the Excess Profits Tax Act, 1940 (XV of 1940), the Central Board of Revenue declares all foreign associations which are for the time being declared to be "companies" under clause (6) of section 2

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940).—*contd.*

of the Indian Income-tax Act, 1922 (XI of 1922), to be "companies" for the purposes of the first-mentioned Act.

[*Gazette of India*, 1941, Pt. I, p. 443.]

*C. B. R., No. 30-C. A., dated the 14th September, 1940.*—In exercise of the powers conferred by sub-section (3) of section 3 of the Excess Profits Tax Act, 1940 (XV of 1940), the Central Board of Revenue hereby appoints the persons specified in the first column of the Schedule hereto annexed to be Inspecting Assistant Commissioners of Excess Profits Tax and assigns to every such officer the cases under the Excess Profits Tax Act, 1940, specified in the corresponding entries in the second column of the said Schedule.

## SCHEDULE.

(1)

(2)

1. All cases in respect of which every such officer, is, for the time being, performing the functions of an Inspecting Assistant Commissioner of Income-tax.]	
1-A. The person performing, for the time being, the functions of the Inspecting Assistant Commissioner of Income-tax in the jurisdiction of the Commissioner of Income-tax (Central), Calcutta.	1-A. All cases in respect of which he is, for the time being, performing the functions of an Inspecting Assistant Commissioner of Income-tax.]
2. The person performing, for the time being, the functions of the Inspecting Assistant Commissioner of Income-tax, Central Range, Madras.	2. All cases in the Province of Madras.
3. The person performing, for the time being, the functions of Inspecting Assistant Commissioner of Income-tax, Cawnpore.	3. All cases in the United Provinces.
4. The person performing, for the time being, the functions of Inspecting Assistant Commissioner of Income-tax, Nagpur.	4. All cases in the Central Provinces.
5. The person performing, for the time being, the functions of the Inspecting Assistant Commissioner of Income-tax, Shillong.	5. All cases in the Province of Assam.
6. Inspecting Assistant Commissioner of Income-tax, Central, Bombay.	6. All cases in respect of which he is, for the time being, exercising the functions of an Inspecting Assistant Commissioner of Income-tax.

<sup>1</sup> *Publ. C. B. R. Notfn. No. 25, dated the 1st May, 1941.*

<sup>2</sup> *Int. C. B. R. Notfn. No. 24, dated the 15th October, 1941.*

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)<sup>1</sup>—*contd.*SCHEDULE—*contd.*

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|---|---|
| 7. All persons performing, for the time being, the functions of Inspecting Assistant Commissioners of Income-tax in the Provinces of Bombay, Sind, British Baluchistan and Ajmer-Merwara. | 7. All cases in respect of which every such officer is, for the time being, performing the functions of an Inspecting Assistant Commissioner of Income-tax  |
| 8. All persons performing, for the time being, the functions of Inspecting Assistant Commissioners of Income-tax in the Provinces of Punjab, N.-W. F. and Delhi.                          | 8. All cases in respect of which every such officer is, for the time being, performing the functions of an Inspecting Assistant Commissioner of Income-tax. |
| 9. All persons performing, for the time being, the functions of Inspecting Assistant Commissioners of Income-tax in the Provinces of Bihar and Orissa.                                    | 9. All cases in respect of which every such officer is, for the time being, performing the functions of an Inspecting Assistant Commissioner of Income-tax. |

[*Gazette of India*, 1940, Pt. I, p. 1312.]

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*C. B. R., No. 31-C A., dated the 14th September, 1940.*—In exercise of the powers conferred by sub-section (3) of section 3 of the Excess Profits Tax Act, 1940 (XV of 1940), the Central Board of Revenue hereby appoints every Commissioner of Income-tax appointed without reference to area under sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), to be a Commissioner of Excess Profits Tax and assigns to every such Commissioner of Excess Profits Tax the cases that may, for the time being, be assigned to him under sub-section (2) of section 5 of the last mentioned Act.

[*Gazette of India*, 1940, Pt. I, p. 1312.]

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*C. B. R., No. 32-C.A., dated the 14th September, 1940.*—In exercise of the powers conferred by sub-section (3) of section 3 of the Excess Profits Tax Act, 1940, the Central Board of Revenue hereby appoints every Income-tax Officer under the Indian Income-tax Act, 1922, to be an Excess Profits Tax Officer and assigns to every such Excess Profits Tax Officer all cases in respect of which he is, for the time being, exercising the functions of an Income-tax Officer.

[*Gazette of India*, 1940, Pt. I, p. 1312.]

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*C. B. R., No. 33-C.A., dated the 14th September, 1940.*—In exercise of the powers conferred by sub-section (3) of section 3 of the Excess Profits Tax Act, 1940 (XV of 1940), the Central Board of Revenue hereby appoints the persons specified in the first column of the Schedule hereto annexed to be Appellate Assistant Commissioners of Excess Profits Tax and assigns to every such officer the cases under the Excess Profits

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

Tax Act, 1910, specified in the corresponding entries in the second column of the said Schedule.

## SCHEDULE.

1

2

- |  |   |
|--|---|
| 1. All persons performing, for the time being, the functions of Appellate Assistant Commissioners of Income-tax in the Province of Bengal.   | 1. All cases in respect of which every such officer is for the time being performing the functions of Appellate Assistant Commissioner of Income-tax.]  |
| 2. The person performing, for the time being, the functions of the Appellate Assistant Commissioner of Income-tax within the jurisdiction of the Commissioner of Income-tax (Central), Calcutta. | 2. All cases in respect of which he is, for the time being, performing the functions of an Appellate Assistant Commissioner of Income-tax.]             |
| 3. The person performing, for the time being, the functions of Appellate Assistant Commissioner of Income-tax, Lucknow.  | 3. All cases in the United Provinces.]  |
| 4. The person performing, for the time being, the functions of Appellate Assistant Commissioner of Income-tax, Nagpur.   | 4. All cases in the Central Provinces.  |
| 5. The person performing, for the time being, the functions of the Appellate Assistant Commissioner of Income-tax, Dacca.  | 5. All cases in the Province of Assam.  |
| 6. All persons performing, for the time being, the functions of Appellate Assistant Commissioners of Income-tax in the Province of Madras.   | 6. All cases in respect of which every such officer is, for the time being, performing the functions of Appellate Assistant Commissioner of Income-tax. |
| 7. All persons performing, for the time being, the functions of Appellate Assistant Commissioners of Income-tax in the Provinces of Bombay, Sind, British Baluchistan and Ajmer-Merwara.         | 7. All cases in respect of which every such officer is, for the time being, performing the functions of Appellate Assistant Commissioner of Income-tax. |
| 8. All persons performing, for the time being, the functions of Appellate Assistant Commissioners of Income-tax in the Provinces of Punjab, North-West Frontier and Delhi.                       | 8. All cases in respect of which every such officer is, for the time being, performing the functions of Appellate Assistant Commissioner of Income-tax. |
| 9. All persons performing, for the time being, the functions of Appellate Assistant Commissioners of Income-tax in the Provinces of Bihar and Orissa.  | 9. All cases in respect of which every such officer is, for the time being, performing the functions of Appellate Assistant Commissioner of Income-tax. |

[Gazette of India, 1940, Pt. I, p. 1312.]

<sup>1</sup> Sulea, C. B. R. Notification No. 5, dated the 28th December 1940.

<sup>2</sup> Sulea, C. B. R. Notification No. 27, dated the 18th October 1941.

<sup>3</sup> Sulea, C. B. R. Notification No. 35 C, dated the 24th July 1941.



THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

*C. B. R., No. 34-C.A., dated the 14th September, 1940.*—In exercise of the powers conferred by sub-section (3) of section 3 of the Excess Profits Tax Act, 1940 (XV of 1940), the Central Board of Revenue hereby appoints every Commissioner of Income-tax appointed with reference to a specified area under sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), to be a Commissioner of Excess Profits Tax and assigns to every such Commissioner of Excess Profits Tax all cases in such area other than the cases assigned to a Commissioner of Excess Profits Tax who is, for the time being, exercising the functions of a Commissioner of Income-tax appointed without reference to area under sub-section (2) of section 5 of the Indian Income-tax Act, 1922.

[*Gazette of India, 1940, Pt. I, p. 1313.*]

*C. B. R., No. 3, dated the 25th January 1941.*—In exercise of the powers conferred by sub-section (3) of section 3 of the Excess Profits Tax Act, 1940 (XV of 1940), as applied to the District of Abu, the Central Board of Revenue hereby appoints the persons specified in the first column of the Schedule hereto annexed to be the Excess Profits Tax authorities specified in the corresponding entries in the second column thereof and assigns to them all cases under the said Act arising in the said District.

## SCHEDULE.

1	2
1. Commissioner of Income-tax, Bombay, Sind, British Baluchistan and Ajmer-Merwara.	Commissioner of Excess Profits Tax for Mount Abu.
2. Appellate Assistant Commissioner of Income-tax of the Ahmedabad Range in Bombay, Sind and British Baluchistan.	Appellate Assistant Commissioner of Excess Profits Tax for Mount Abu.
3. Inspecting Assistant Commissioner of Income-tax, Northern Range of the Provinces of Bombay, Sind and British Baluchistan.	Inspecting Assistant Commissioner of Excess Profits Tax for Mount Abu.
4. Income-tax Officer, Ahmedabad District in Bombay, Sind and British Baluchistan.	Excess Profits Tax Officer for Mount Abu.

[*Gazette of India, 1941, Pt. I, p. 116.*]

*Finance Department (Central Revenues), No. 2, dated the 28th September, 1940.*—In exercise of the powers conferred by sub-section (6) of

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

section 3 of the Excess Profits Tax Act, 1940 (XV of 1940), the Central Government is pleased to make the following rules, namely :—

1. These Rules may be called the Excess Profits Tax (Boards of Referees) Rules, 1940.

2. The Central Government shall, by notification in the official Gazette, constitute a panel of persons eligible for appointment to a Board of Referees, and may in like manner, from time to time, nominate to, or remove from, the panel such persons as it thinks fit.

3. On receipt of an application under sub-section (3) of section 6, or of an appeal under sub-section (5) <sup>1</sup>[or the proviso to sub-section (8) of section 8, or under rule 11 of Schedule I,] of the Excess Profits Tax Act, 1940, the Commissioner shall appoint, subject to the provisions of sub-section (5) of section 3 of that Act, a Board of Referees from the panel constituted under rule 2, and refer the application of the appeal, as the case may be, for the decision of the Board.

4. (1) If the applicant, or in the case of an appeal, any of the parties to the appeal, objects to the appointment of any particular member or members of the Board of Referees, and the Commissioner is satisfied that there are reasonable grounds for such objection, he may in his discretion cancel the appointment of such member or members to the Board and appoint an eligible person or persons instead :

Provided that no objection taken after the date of the first meeting of the Board fixed for hearing the application or the appeal shall be considered by the Commissioner.

(2) The decision of the Commissioner under sub-rule (1) shall be final.

5. The members of a Board of Referees shall elect their own chairman.

6. (1) The decision of the Board of Referees on any matter shall be according to the view of the majority of members present and shall be embodied in a report which shall be signed by all the members present :  
Provided that any dissenting member may record a minute of dissent.

(2) Where the Board of Referees is equally divided the chairman shall have a casting vote.

(3) No decision of the Board of Referees which is signed by less than half the members constituting the Board shall be valid.

7. The proceedings of a Board of Referees shall not be invalid merely by reason of the absence of a member.

[*Gazette of India*, 1940, Pt. I, p. 1379.]

<sup>1</sup> Sube., Finance Department (Central Revenues), Notification No. 3, dated the 21st December 1940.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

*Finance Department (Central Revenues), No. 18, dated the 21st June, 1941.*—In exercise of the powers conferred by sub-section (1) of section 11 of the Excess Profits Tax Act, 1940 (XV of 1940), the Central Government is pleased to make the following rules for the granting of relief in cases where, in respect of any profits of any business, Excess Profits Tax has been paid under that Act and Excess Profits Tax has been paid or, if there were no National Defence Contribution, would have been paid under the law in force in the United Kingdom.

1. These Rules may be cited as the Excess Profits Double Taxation (India and the United Kingdom) Rules.

2. In these Rules—

(i) the expression "Indian excess profits tax" means any excess profits tax payable in accordance with the provisions of the Excess Profits Tax Act, 1940;

(ii) "United Kingdom excess profits tax" means any excess profits tax payable under the law in force in the United Kingdom, or, where National Defence Contribution and not Excess Profits Tax is payable, the amount of Excess Profits Tax that would be payable if there were no National Defence Contribution;

(iii) the expression "chargeable accounting period" has in British India the meaning assigned to it in sub-section (6) of section 2 of the Excess Profits Tax Act, 1940, and in the United Kingdom the meaning assigned to it in section 22 of the Finance (No. 2) Act, 1939.

3. Any reference in these Rules to the lower of the two rates shall, where the rates are equal, be construed as a reference to either of those rates.

4. These Rules shall have effect in respect of Indian excess profits tax charged for any chargeable accounting period in respect of which, under the law in force in the United Kingdom, relief is to be given in respect of the payment of Indian Excess Profits Tax.

5. If the person carrying on a business in any chargeable accounting period proves to the satisfaction of the Excess Profits Tax Officer that he has paid, in respect of any profits of the business in that period, Indian excess profits tax and that he has also paid, in respect of those profits, United Kingdom excess profits tax—

(i) there shall be computed the amounts of excess profits tax which would be payable in British India and the United Kingdom respectively, if excess profits tax in the other country and National Defence Contribution in the United Kingdom were disregarded except in computing capital;

(ii) the amount of relief to be given in British India shall be the same proportion of the lesser of the amounts so computed

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

as the amount so computed for British India bears to the sum of the two amounts so computed ;

- (iii) if the amount so computed either for British India or for the United Kingdom is found to have been incorrect (whether by reason of a subsequent deficiency of profits or for any other reason), the amount so computed shall be recalculated and the relief in British India revised accordingly.

6. Where the chargeable accounting periods differ in British India and the United Kingdom the tax chargeable for such periods shall be apportioned on a time basis to co-terminus periods as hereinafter defined, and relief shall be allowed under these Rules for those periods.

For this purpose, except so far as the Central Board of Revenue and the Board of Inland Revenue otherwise agree,—

- (a) the first of the co-terminus periods shall commence on the first day on which double taxation commenced, and each succeeding co-terminus period shall commence at the expiration of the period immediately preceding ; and
- (b) each of such co-terminus periods shall end at the end of the chargeable accounting period within which it commences, and, if the chargeable accounting periods differ for the purposes of the excess profits tax of the two countries then at the end of that one of the chargeable accounting periods that ends first.

7. For the purpose of these Rules the liability to excess profits tax of a principal company of a group of interconnected companies shall be taken to be the liability of that company in respect of its own business only.

Where, however, excess profits tax payable in respect of the business carried on by a subsidiary company is assessed on the principal company, relief shall be allowed to the subsidiary company as if the excess profits tax liability attributable to the business of the subsidiary company were separately assessed upon that company.

8. Every application for a refund of excess profits tax under this Notification shall be made to the Excess Profits Tax Officer of the district or circle in which the applicant is chargeable to excess profits tax. Such application may be presented by the applicant in person or by a duly authorised agent or may be sent by post, and shall be in the form prescribed in Rule 15 of the Excess Profits Tax Rules, 1940.

[*Gazette of India*, 1941, Pt. I, p. 873.]

Finance Department (Central Revenues), No. 4, dated the 25th April, 1942.—In exercise of the powers conferred by sub-section (1) of section

**THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.***

11 of the Excess Profits Tax Act, 1940 (XV of 1940), the Central Government is pleased to make the following rules for the granting of relief in cases where in respect of any profits of any business, excess profits tax has been paid under that Act and excess profits tax has been paid in Aden :—

1. These rules may be cited as the Excess Profits Double Taxation (India and Aden) Rules.

2. In these Rules, the expression—

- (i) “Indian excess profits tax” means any excess profits tax payable in accordance with the provisions of the Excess Profits Tax Act, 1940 ;
- (ii) “Aden excess profits tax” means any excess profits tax payable under the law in force in Aden ;
- (iii) “chargeable accounting period” has in British India the meaning assigned to it in sub-section (6) of section 2 of the Excess Profits Tax Act, 1940, and in Aden the meaning assigned to it in section 18 of the Excess Profits Tax Ordinance 1941 (Aden Ordinance No. 8 of 1941).

3. Any reference in these Rules to the lower of the two rates shall where the rates are equal be construed as a reference to either of those rates.

4. These Rules shall have effect in respect of Indian excess profits tax charged for any chargeable accounting period in respect of which under the law in force in Aden relief is to be given in respect of the payment of Indian excess profits tax.

5. If the person carrying on a business in any chargeable accounting period proves to the satisfaction of the Excess Profits Tax Officer that he has paid in respect of any profits of the business in that period, Indian excess profits tax and that he has also paid, in respect of those profits, Aden excess profits tax—

- (i) there shall be computed the amounts of excess profits tax which would be payable in British India and Aden respectively, if excess profits tax in the other country were disregarded except in computing capital ;
- (ii) the amount of relief to be given in British India shall be the same proportion of the lesser of the amounts so computed as the amount so computed for British India bears to the sum of the two amounts so computed ;
- (iii) if the amount so computed either for British India or for Aden is found to have been incorrect (whether by reason of a subsequent deficiency of profits or for any other reason), the amount so computed shall be recalculated and the relief in British India revised accordingly.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

6. Where the chargeable accounting periods differ in British India and Aden the tax chargeable for such periods shall be apportioned on a time basis to co-terminous periods as hereinafter defined and relief shall be allowed under these rules for those periods.

For this purpose, except so far as the Government of India and the Government of Aden otherwise agree—

- (a) the first of the co-terminous periods shall commence on the first day on which double taxation commenced and each succeeding co-terminous period shall commence at the expiration of the period immediately preceding; and
- (b) each of such co-terminous periods shall end at the end of the chargeable accounting period within which it commences, and, if the chargeable accounting periods differ for the purposes of the excess profits tax of the two countries, then at the end of that one of the chargeable accounting periods that ends first.

7. For the purposes of these Rules the liability to excess profits tax of a principal company of a group of interconnected companies shall be taken to be the liability of that company in respect of its own business only.

Where, however, excess profits tax payable in respect of the business carried on by a subsidiary company is assessed on the principal company, relief shall be allowed to the subsidiary company as if the excess profits tax liability attributable to the business of the subsidiary company were separately assessed upon that company.

8. Every application for a refund of excess profits tax under these rules shall be made to the Excess Profits Tax Officer of the district or circle in which the applicant is chargeable to excess profits tax. Such application may be presented by the applicant in person or by a duly authorised agent or may be sent by post, and shall be in the form prescribed in rule 15 of the Excess Profits Tax Rules, 1940.

[*Gazette of India*, 1942, Pt I, p 745.]

*C. B. R., No. 1, dated the 28th September, 1940*—In exercise of the powers conferred by Section 27 of the Excess Profits Tax Act, 1940 (XV of 1940), the Central Board of Revenue makes the following rules, namely:—

1. These Rules may be called the Excess Profits Tax Rules, 1940. Short title.
2. In these Rules—

(i) "the Act" means the Excess Profits Tax Act, 1940 (XV of Declarations 1940);

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

- (ii) "applied section" means a section of the Indian Income-tax Act, 1922, as applied by section 21 of the Act and rule 3 ;
- (ih) "Form" means a form as set out in the Schedule to these Rules.

Adaptation  
of Indian  
Income-tax  
Act, 1922.

3. The provisions of sections 4A, 4B, 10, 13, 24B, 29, 36 to 44C (inclusive), 45 to 48 (inclusive), 49E, 49F, 50, 54, 61 to 63 (inclusive) and 65 to 67A (inclusive) of the Indian Income-tax Act, 1922, shall apply with the following modifications, namely :—

General  
modifications

<sup>1</sup>[(i) All references to "this Act" except those in the proviso to clause (iii) of sub-section (2) of section 10, the first proviso to sub-section (1) of section 42, section 44A, and in sub-section (1) of section 54 where they last occur, shall be construed as references to "the Act".

(ia) All references to "income-tax" except those in the expression "Income-tax practitioner" occurring in sub-section (1) of section 61, in clause (iv) of sub-section (2) of section 61 and in sub-clause (a) of clause (iv) of sub-section (2) of section 61, shall be construed as references to "excess profits tax".]

Modification  
of section 10

(ii) In section 10 :—

(a) clauses (b) and (c) of the proviso to clause (ii) of sub-section (2) shall be omitted ;

(b) for sub-section (7) the following sub-section shall be substituted, namely :—

"(7) Notwithstanding anything to the contrary in this section or in the Excess Profits Tax Act, 1940, the profits of any business of insurance, other than life insurance, shall be computed in accordance with the rules contained in the Schedule to the Indian Income-tax Act, 1922, in so far as they are applicable to such business."

Modification  
of section 13  
Modification  
of section  
24B

(iii) In section 13 the word and figures "and 12" shall be omitted.

(iv) In section 24B :—

(a) in sub-section (2)—

(1) the words and figures "before the publication of the notice referred to in sub-section (1) of section 22 or" shall be omitted, and

(2) for the words and figures "sub-section (2) of section 22 or section 34", wherever they occur, the words and figures "sub-section (1) of section 13 or section 15 of the Excess Profits Tax Act, 1940", shall be substituted ;

<sup>2</sup>[(3) for the words "total income" the words "excess profits" shall be substituted.]

<sup>1</sup> Subs., C. B. R. Notification No 15, dated the 12th April 1941.

<sup>2</sup> Ins., *ibid.*

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

(b) in sub-section (3)—

(1) for the word and figures "section 22" the words and figures "sub-section (1) of section 13 of the Excess Profits Tax Act, 1940" shall be substituted; and

(2) for the words and figures "sections 22 and 23" the words and figures "sub-section (2) of section 13 of the Excess Profits Tax Act, 1940" shall be substituted.

[(3) for the words "total income" the words "excess profits" shall be substituted.]

(v) In section 37, for the words "this Chapter", the words, figures and brackets "sections 8 to 20 (inclusive) of the Excess Profits Tax Act, 1940" shall be substituted. Modification of section 37

(vi) For section 40, the following section shall be substituted, Modification of section 40  
namely :—

"40. In the case of any agent of any person residing out of British India, being entitled to receive on behalf of such person any profits chargeable under the Excess Profits Tax Act, 1940, the tax shall be levied upon and recoverable from such agent in like manner and to the same amount as it would be leviable upon and recoverable from such person if resident in British India and in direct receipt of such profits, and all the provisions of the said Act shall apply accordingly."

Provided that the tax may be levied upon and recovered from such non-resident person direct."

(vii) The provisos to sub-section (1) of section 41 shall be omitted. Modification of section 41

(viii) In the first proviso to sub-section (1) of section 42, the words and figures "the income-tax so chargeable may be recovered by deduction under any of the provisions of section 18 and that" shall be omitted. Modification of section 42

(ix) For section 44, the following section shall be substituted, Modification of section 44  
namely :—

"44. Where any business carried on by a firm or association of persons has been discontinued, every person who was at the time of such discontinuance a partner of such firm or a member of such association shall, in respect of the profits of the firm or association, be jointly and severally liable to assessment under section 14 of the Excess Profits Tax Act, 1940, and for the amount of tax payable, and all the provisions of the said Act shall, so far as may be, apply to any such assessment."



THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*Modification  
of section 44A.

<sup>1</sup>[(*ix*) In section 44A, for the words "this Chapter" the words and figures "the applied sections 44B and 44C" shall be substituted.]

Modification  
of section  
44B.

<sup>2</sup>[(*x*) In section 44B—

- (a) in sub-section (1) for the words "this Chapter" the words and figures "the applied section 44A" shall be substituted;
- (b) in sub-section (3), the words "at the rate for the time being applicable to the total income of a company" shall be omitted.

Modification  
of section  
44C.

(*xi*) In section 44C—

- (a) for the words "this Chapter" the words and figures "the applied sections 44A and 44B" shall be substituted;
- (b) for the words "of his total income in the previous year" the words "of his actual excess profits in the chargeable accounting period" shall be substituted,
- (c) the word "other" shall be omitted.]

Modification  
of section 45

(*xii*) In section 45—

- (a) the words, brackets, figures and letter "under sub-section (3) of section 23A or" shall be omitted;
- (b) for the words and figures "section 31 or section 32 or section 33", the words and figures "sub-section (4) of section 17 of section 18 or section 19 of the Excess Profits Tax Act, 1940" shall be substituted;
- (c) for the words and figures "under section 30", the words and figures "under section 17 of the Excess Profits Tax Act, 1940" shall be substituted,
- (d) in the proviso, for the words "which is due in respect of the amount of his income which", the words "which relates to excess profits arising from such income as" shall be substituted.

Modification  
of section 46

(*xiii*) Sub-section (5) of section 46 shall be omitted.

Modification  
of section 47.

(*xiv*) In section 47—

- (a) the words and figures "sub-section (2) of section 25, section 28, sub-section (6) of section 44E, sub-section (5) of section 44F or" shall be omitted;
- (b) after the figures "46", the words and figures "or under the provisions of section 10 or section 16 of the Excess Profits Tax Act, 1940" shall be inserted;

<sup>1</sup> Ins., C. B. R. Notification No. 15, dated the 12th April 1941.

<sup>2</sup> Subs., *ibid.*

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

<sup>1</sup>[(c) for the words "this Chapter" the words and figures "the applied Sections 45 and 46" shall be substituted.]

(xv) In section 48—

Modification  
of section 48.

(a) for sub-section (I), the following sub-section shall be substituted, namely :—

"(1) If any person, to whose business the Excess Profits Tax Act, 1940, applies, satisfies the Excess Profits Tax Officer that the amount of tax paid by him for any chargeable accounting period exceeds the amount with which he is properly chargeable under the said Act for that period, he shall be entitled to a refund of any such excess."

(b) Sub-section (3) shall be omitted.

(c) In sub-section (4), the words, brackets and figures "or to entitle any person to claim a refund of tax payable before the commencement of the Indian Income-tax (Amendment) Act, 1939, which he would not be entitled to claim but for the passing of that Act" shall be omitted.

(xvi) In section 49F for the word and figures "or 49", the following shall be substituted, namely :—

Modification  
of section  
49F.

"or under section 7 or section 11 of the Excess Profits Tax Act, 1940"

(xvii) For section 50, the following section shall be substituted, namely —

Modification  
of section 50.

"50. No claim to any refund of tax under the Excess Profits Tax Act, 1940, shall be allowed unless it is made within four years from the last day of the financial year commencing next after the expiry of the accounting period which constitutes or includes the chargeable accounting period in respect of which the claim to such refund arises."

(xviii) In section 54—

Modification  
of section 54.

(a) in sub-section (I) for the words "this Chapter", the words and figures "sections 23 24 and 25 of the Excess Profits Tax Act, 1940" shall be substituted,

(b) in sub-section (3), clauses (e) and (m) shall be omitted; and in clause (4) for the figures and words "49 of this Act," the figures and words "11 of the Excess Profits Tax Act, 1940" shall be substituted;

(c) sub-section (4) shall be omitted.

<sup>1</sup> Ins., C. B. R. Notification No. 15, dated the 12th April 1941.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*Modification  
of section 66.

(xix) In sub-section (1) of section 66 for the words and figures "sub-section (4) of section 33", the following shall be substituted, namely:—

"[Sub-section (3) of section 10A, or sub-section (2) of section 19 of, or sub-rule (2) of rule 12 of Schedule I to,] the Excess Profits Tax Act, 1940, read with sub-section (4) of section 33 of the Indian Income-tax Act, 1922."

Adaptation  
of Indian  
Income-tax  
Rules, 1922.

4. Rules 8, 23, 24, 33, 34, 44, 45 and 46 of the Indian Income-tax Rules, 1922, shall apply subject to the modification that all references therein to "income-tax" and "the Income-tax Officer" shall be construed as references to "excess profits tax" and "the Excess Profits Tax Officer", respectively.

Form of  
Notice of  
demand  
under  
applied  
section 29

5. The notice of demand or of determination of a deficiency of profits under applied section 29 shall be in Form E. P.-4.

Form of  
notice in  
default of  
payment

6. The notice in default of payment of excess profits tax shall be in Form E. P.-6.

Form of  
Return  
under sec-  
tion 13 (1)

7 The return required under sub-section (1) of section 13 of the Act shall be in Form E. P.-1.

Form of  
application  
under sec-  
tion 6 (3)

8 An application to the Board of Referees under sub-section (3) of section 6 of the Act, for a direction that the profits of the standard period shall be computed as if they were such greater amount as it thinks just, shall be made in Form E. P.-14.

Form of  
application  
under sec-  
tion 26 (1)

9 An application to the Central Board of Revenue under sub-section (1) of section 26 of the Act, for a direction that the profits of the standard period shall be computed as if they were such greater amount as it thinks just, shall be made in Form E. P.-15.

Form of  
application  
under sec-  
tion 26 (2)

10. An application to the Central Board of Revenue under sub-section (3) of section 26 of the Act, for a direction that such allowance shall be made in computing the profits of a business during a chargeable accounting period as the Central Board of Revenue thinks just, shall be made in Form E. P.-16 "[but an application in respect of the Earlier Exhaustion of mineral sources shall be made in Form E. P.-16-A].

Form of  
application  
under rule 7  
of Sch. II

<sup>2</sup>[10-A. An application to the Central Board of Revenue under rule 7 of Schedule II to the Act for a direction that, in computing the average capital of a business during the standard period, certain assets shall be excluded for such period as they were inherently unproductive, shall be made in form E. P.-30.]

Form of  
appeal under  
section 8 (5)

11. An appeal under the proviso to sub-section (5) of section 8 of the Act shall be made in Form E. P.-8A.

<sup>1</sup> Sub. C. B. R. Notification No. 2, dated the 14th February 1942.

<sup>2</sup> Added, *ibid.*

<sup>3</sup> Ins. by C. B. R. Notification No. 5, dated the 1st February 1941.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

<sup>1</sup>[11-A. An appeal under the proviso to sub-section (8) of section 8 of the Act shall be in form E. P.-28-A. Form of appeal under section 8 (8).

11-B. An appeal against a determination by the Excess Profits Tax Officer under rule 11 of Schedule I to the Act shall be in Form E. P.-29-A.] Form of appeal under rule 11 of Sch. I.

12. An appeal under section 17 of the Act shall be— Form of appeal under section 17.

(a) in Form E. P.-9, if against a decision of the Excess Profits Tax Officer under section 8 of the Act ;

(b) in Form E. P.-10, if against the amount of an assessment made or a deficiency of profits under sub-section (1) of section 14 of the Act ;

(c) in Form E. P.-11, if against an order imposing a penalty under section 10 or section 16 of the Act or under sub-section (1) of applied section 46 ;

(d) in Form E. P.-12, if in respect of an alleged insufficient relief or refund, or a refusal to grant relief or refund, by the Excess Profits Tax Officer.

13. An appeal under sub-section (1) of section 18 of the Act shall be in Form E. P.-13. Form of appeal under section 18 (1).

14. An application for refund of excess profits tax under section 7 of the Act, in respect of a deficiency of profits shall be in Form E. P.-17. Form of application for refund under section 7.

15. An application under section 11 of the Act for relief in respect of double taxation shall be in Form E. P.-18. Form of application for relief under section 11.

<sup>2</sup>[15-A.—An appeal under sub-section (2) of section 19 of the Act shall, in the case of an appeal against :— Forms of Appeal to the Appellate Tribunal.

(a) an order of the Excess Profits Tax Officer under section 8, except an order making an apportionment under sub-section (5) or a modification under sub-section (8), be in Form E. P.-9(T.) ;

(b) an order of the Excess Profits Tax Officer under sub-section (1) of section 14 of the Act be in Form E. P.-10/13(T.) ;

(c) an order of the Excess Profits Tax Officer imposing a penalty under sub-section (1) of the applied section 46, be in Form E. P.-11(1) (T.) ;

<sup>1</sup> Ins., C. B. R. Notification No. 5, dated the 1st February 1941.

<sup>2</sup> Ins., C. B. R. Notification No. 12, dated the 22nd March 1941.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

- (d) an order of the Excess Profits Tax Officer imposing a penalty under sub-section (3) of section 10 of the Act, be in Form E. P.-11 (T.);
- (e) an order of the Excess Profits Tax Officer, issued by the Commissioner or the Excess Profits Tax Officer, be in Form E. P.-12 (T.) under section 16 of the Act;
- (f) an order of the Excess Profits Tax Officer under section 7 of the Act, granting or refusing to grant relief in respect of a deficiency, be in Form E. P.-12(T.);
- (g) an order of the Excess Profits Tax Officer granting or refusing to grant relief in respect of double excess profits taxation under section 11 of the Act, be in Form E. P.-12 (1) (T.);
- <sup>1</sup>[(h) an order of the Excess Profits Tax Officer, in so far as it concerns an adjustment made by him under section 10-A of the Act, be in Form E. P.-14 (T.);
- (i) an order of the Excess Profits Tax Officer, in so far as it concerns a disallowance made by him under rule 12 of Schedule I to the Act, be in Form E. P.-15 (T.) ]

Time for  
notice under  
section 8 (2).

16. The notice under sub-section (2) of section 8 of the Act shall be given by the persons concerned within<sup>2</sup> [the period specified in the notice issued under sub-section (1) of section 13 of the Act or within the extended period allowed by the Excess Profits Tax Officer under the proviso thereto]

Time and  
manner of  
appeal under  
section 8 (5)

17 An appeal under the proviso to sub-section (5) of section 8 of the Act shall be presented in the office of the Excess Profits Tax Officer by the person carrying on the business prior to the transfer or by the person to whom part of the business was transferred, as the case may be, within 45 days of the date of receipt of the notice of the Excess Profits Tax Officer's apportionments.

Time for appeal  
under section  
19 (2).

<sup>3</sup>[17-A. —An appeal to the Appellate Tribunal under sub-section (2) of section 19 of the Act, against an order of the Appellate Assistant Commissioner of Excess Profits Tax under section 16 or 17 of the Act shall be made at any time before the expiry of sixty days from the date of such order.]

<sup>4</sup>[17-AA. An appeal to the Appellate Tribunal against any adjustment made by the Excess Profits Tax Officer under Section 10-A, or against any disallowance made by him under rule 12 of Schedule I to

<sup>1</sup> Ins., C. B. R. Notification No. 2, dated the 14th February 1942.

<sup>2</sup> Subs., C. B. R. Notification No. 10, dated the 15th March 1941.

<sup>3</sup> Ins., C. B. R. Notification No. 12, dated the 22nd March 1941.

<sup>4</sup> Ins., C. B. R. Notification No. 2, dated the 14th February 1942.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

the Act shall be made at any time before the expiry of sixty days from the date of receipt of the order of assessment affected by such adjustment.]

17-B.—The procedure to be followed on an appeal to the Appellate Tribunal under the Act, shall be the same, as nearly as may be, as that prescribed in respect of appeals to that tribunal under the Income-tax Act. Procedure on appeal under section 19 (2).

18. (1) The Excess Profits Tax Officer shall within fifteen days of Procedure on application under section 6 (3) or appeal under section 8 (5)  
under sub-section (3) of section 6, or of an  
or the proviso to sub-section (8) of section  
I.] of the Act forward it to the Commissioner for being referred to a Board of Referees for decision.

(2) The Commissioner, shall, in consultation with the Board of Referees appointed by him in accordance with the Excess Profits Tax (Boards of Referees) Rules, 1940<sup>3</sup> fix the time and place of the first meeting of the Board, and give notice thereof, not being less than one week, together with the names of Board  
to the applicant in the case of, an in the  
case of an appeal under the provis 8, or  
under rule 11 of Schedule I of the Act, or to the appellant and the opposite party in the case of an appeal under sub-section (5) of section 8 of the Act. ]

[(3) When the hearing of an application or appeal is adjourned, the Board of Referees shall inform the Commissioner and also the applicant or appellant as the case may be, or, in the case of an appeal under sub-section (5) of section 8 of the Act, the appellant and the opposite party, of the time and place of the next hearing.]

(4) In sub-rules (2) and (3) the expression "opposite party" means the person by whom, or the person to whom, part of the business was transferred, according as the appeal is preferred by the transferee or the transferor.

19. (1) At the hearing of any appeal or application under the Act commissioner  
by a Board of Referees or an Appellate Assistant Commissioner, the to be represented at hearing of appeals and applications.  
Commissioner shall have the right to be represented by the Excess Profits Tax Officer or such other person as may be appointed by the Commissioner in that behalf.

(2) Notice of the date appointed for the hearing of any appeal or application under the Act shall also be given to the Excess Profits Tax Officer concerned.

<sup>1</sup> Ins., C. B. R. Notification No. 12, dated the 22nd March 1941.

<sup>2</sup> Subs., C. B. R. Notification No. 5, dated the 1st February 1941.

<sup>3</sup> *Supra*, p. 5A.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

## SCHEDULE.

FORM E. P.-1.

Reference to be quoted in all communications.
--

## EXCESS PROFITS TAX.

## NOTICE TO FURNISH RETURN OF PROFITS AND OTHER PARTICULARS.

To

In pursuance of the provisions of section 13 (1) of the Excess Profits Tax Act, 1940, you are hereby required to furnish WITHIN SIXTY DAYS from the date of the service of this notice, in the form provided overleaf, a Return of the profits arising from the business carried on by .....  
carried on in the name of .....  
..... during the chargeable accounting period commencing .....19 and ending .....19 ,  
together with such other particulars relating thereto as are specified therein. The Return duly signed by you, and the other particulars, required therein, should be delivered to me at the address given below.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

Notes for your guidance are contained in the enclosure to this form. If you desire any further information, application should be made to this office.

If you desire to make an application or election :—

- (a) for increase of standard profits under section 6 (3) or 26 (1) : [See Notes for Guidance, Notes 4 (v) and (vi)];
- (b) for modification of computation of profits of chargeable accounting period under section 26 (3) : [See Notes for Guidance, Note 8];
- (c) in the case of changes of partnership under section 8 (2) : [See Notes for Guidance, Note 11 (i)];
- (d) in the case of transfer of business after 1st April 1936 and before 1st September 1939 : [See Notes for Guidance, Note 11 (v)];
- <sup>1</sup>(e) for the exclusion from the average capital of the standard period of inherently unproductive assets under Rule 7 of Schedule II : [See Notes for Guidance, Note 9];]

You are requested to intimate your intention in writing to this office *as early as possible*.

In the case of a company which is the subsidiary of another company resident in British India only the declaration on page 1388 need be completed

Excess Profits Tax Officer.

Address.. ..

Dated the.....194 .

**PENALTIES.**—Particulars are given on page 1390 of this form.

<sup>1</sup> Ins., C. B. R. Notification No. 9, dated the 5th March 1941.



THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

## EXCESS PRO

*Return of profits arising from Business in the chargeable accounting period*

- 
- (1) Name and address of the person by whom the business was carried on in the above chargeable accounting period.
- 
- (2) In the case of a person not resident in British India, carrying on business in British India through an agent resident in British India, the full name and address of the agent through whom the business was carried on in the above chargeable accounting period.
- 
- (3) Nature of business carried on.
- 
- (4) Amount of profits arising in the above chargeable accounting period, computed in accordance with the Act. [See Notes for Guidance, Note 8.]
- 
- (5) Amount of standard profits computed in accordance with the Act. [See Notes for Guidance, Note 4.]
- 
- (6) Basis of computation of standard profits adopted—  
 (a) the profits of a standard period; or  
 (b) the application of the statutory percentage to the average amount of capital employed during the chargeable accounting period. [See Notes for Guidance, Note 4.]
- 
- (7) In the case of 6 (a) above, particulars of the standard period chosen, or in the case of 6 (b) above, the date of commencement of the business [See Notes for Guidance, Note 5.]
- 
- (8) Proportionate amount of standard profits in the ratio of the chargeable accounting period to the standard period. [See Notes for Guidance, Note 4 (i).]
- 

## FURTHER PART I

You are required to furnish—

- (i) copies of the Trading Accounts, Profit and Loss Accounts and Balance been made up, which constitute or include any part of the standard.
  - (ii) a copy of your computation of the profits of the chargeable accounting amount of profits as computed for Income-tax purposes, details of each Act and of the adjustment due in respect of increase or decrease of compared with that employed during the standard period, and of your.
  - (iii) the further particulars specified on pages 1388 and 1389 hereof.
- 

## STATE WHETHER YOU MAKE THE RETURN—

- |  |   |
|--|---|
| As proprietor of the business;                         | } |
| As partner in a partnership;                           |   |
| As Manager or Karta of a Hindu Undivided family;       |   |
| As principal officer of a company;                     |   |
| As member of an association;                           |   |
| As legal representative of a deceased person;          |   |
| As liquidator of a company which is being wound up, or |   |
| As agent for a person not resident in British India.   |   |

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

## FITS TAX.

commencing .....19 , and ending.....19 , and other particulars relating thereto

(1) \_\_\_\_\_

2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) Rupees \_\_\_\_\_

(5) Rupees \_\_\_\_\_

(6) \_\_\_\_\_

(7) (a) \_\_\_\_\_  
(b) \_\_\_\_\_

(8) Rupees \_\_\_\_\_

## SCHEDULES REQUIRED.

Sheets of the business for all periods, for which the accounts of the business have period or of the chargeable accounting period ;

period, and of the standard period where a standard period is chosen, showing the adjustment thereto required by the provisions of the First Schedule to the capital employed in the business during the chargeable accounting period as computation of the average capital employed (see items 3 and 4 on page 1359).

## DECLARATION.

I hereby, declare that, to the best of my knowledge and belief, the information given in this return is correct and complete, and the particulars transmitted herewith are truly stated.

Dated this..... day of . .....194 .

.....Signature.

.....Address.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.**Schedule of further particulars required under section*

---

**I. In the Case of a Company.**

---

(a) The name and address of any company or other

---

(b) The name and address of the company, resident in British India, if any, of which the company is a subsidiary company. [See notes for Guidance, Note 12.]

---

(c) In the case of a private limited company, the names of the shareholders in the accounting period which constitutes or includes the chargeable accounting period with full particulars of the shares held by each. [See Notes for Guidance, Note 8.]

(If this space is insufficient, please attach a schedule of the required particulars.)



**THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*****PENALTIES.**

1. Failure, without reasonable excuse, to deliver the return with the other particulars required by the Excess Profits Tax Officer under the provisions of the Excess Profits Tax Act, the concealment of particulars of profits arising from or of capital employed in the business, or the deliberate furnishing of inaccurate particulars of such profits or capital entail penalties under sections 16, 23 or 24 of the Act.

The penalty on any person who fails to deliver the return as required by section 16 of the Act shall be

the sum of ten rupees or such other sum as may be specified by the Excess Profits Tax Officer, but not exceeding the sum of one hundred rupees, for each day after the first day of default in which the return is not delivered, and the sum of one hundred rupees or such other sum as may be specified by the Excess Profits Tax Officer, for each day after the first day of default in which the return is not delivered, and the sum of one hundred rupees or such other sum as may be specified by the Excess Profits Tax Officer, for each day after the first day of default in which the return is not delivered.

The penalty for entering into any fictitious or artificial transaction or for carrying

on any such transaction shall be the sum of ten rupees or such other sum as may be specified by the Excess Profits Tax Officer, but not exceeding the tax evaded or sought to be evaded.

[Section 10]

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

FORM E. P. 4.

## Excess Profits Tax.

NOTICE OF DEMAND UNDER RULE 5 OF THE EXCESS PROFITS TAX RULES  
READ WITH SECTION 29 OF THE INDIAN INCOME-TAX ACT, 1922.

To

.....

.....

.....

1. Take notice that for the chargeable accounting period commencing.. .....  
19.....and ending.....19.....

\* the sum of Rs..... Excess Profits Tax, as specified overleaf  
has been determined to be payable by you

\* a deficiency of profits of Rs.....has been computed as shown  
overleaf

2. \* You are required to pay the amount on or before.....

\* Treasury Officer

Sub-Treasury Officer

191... to the ..... at.....

Agent, Imperial Bank of India

Governor, Reserve Bank of India

.....when you will be granted a receipt.

.....

.....

.....

under sub-section (3) of section 17 duly stamped and verified as laid down in that form.  
A copy of the form may be obtained from this office.

5 A copy of my assessment order and of my computations of the standard profits  
and the profits of the chargeable accounting period is enclosed herewith.

..... Excess Profits Tax Officer.

..... } Address.

Dated..... 191 ..

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

## Assessment Form.

ASSESSMENT UNDER SECTION 14 OF THE EXCESS PROFITS TAX ACT  
1940, FOR THE CHARGEABLE ACCOUNTING PERIOD COMMENCING  
.....19, AND ENDING.....  
19 (.....MONTHS).

Name of assessee.....

Status..... Circle.....

Address..... No. in General Index.....

..... No. in E. P. T. Register.....

	Rs.	Paise
1 Profits of the chargeable accounting period as computed for Excess Profits Tax purposes		
2 Profits of standard period or, ... months where standard profits available— (i) as computed for excess profits tax purposes or (ii) as determined by the Board of Referees under section 6 (3) or (iii) as determined by Central Board of Revenue under section 26 (1)	Rs. .... Rs. .... Rs. ....	
3 Proportion of (2) appropriate to chargeable accounting period, .. of months	Rs. ....	
4 Average amount of capital employed during chargeable accounting period	Rs. ....	
5 Average amount of capital employed during standard period	Rs. ....	
6 Increase (+) or decrease (—) in the average capital employed during chargeable accounting period	Rs. ....	
7 Statutory percentage of % per annum thereon for .. months	Rs. ....	
8 Adjusted standard profit in relation to chargeable accounting period (3), + or — (7) or	Rs. ....	
9 Where percentage standard chosen under the second proviso to section 6 (1) for the chargeable accounting period of, .. months on the average capital of employed during the chargeable accounting period or	% per annum Rs. ....	
10 Where minimum standard of 36,000 applicable, due proportion thereof		
11 Excess Profits (+) or Deficiency (—)		
12 Excess Profits assessable	at 50% Rs. ....	at 65% Rs. ....
13 Deficiency of profits set off	Rs. ....	Rs. ....
14 Net excess profits assessed	Rs. ....	Rs. ....
15 Excess Profits Tax	Rs. ....	Rs. ....
16 Excess Profits Tax, total	Rs. ....	Rs. ....
17 Double Excess Profits Taxation relief	Rs. ....	Rs. ....
18 Net amount of E. P. T. payable	Rs. ....	Rs. ....
19 Add (i) penalty under section 10 (3)	Rs. ....	Rs. ....
(ii) penalty under section 16	Rs. ....	Rs. ....

TOTAL SUM PAYABLE (in figures as well as words)

Rs. .... AS ... (figures) Rs. .... (words).

Dated .. 194

<sup>1</sup> Subs. C. B. R. Notfn. No. 17, dated the 26th April 1941.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

FORM E. P. 6.

## Penalty Imposed in Default of Payment of Excess Profits Tax.

NOTICE OF DEMAND UNDER SECTION 29 OF THE INDIAN INCOME-TAX ACT, 1922, AS APPLIED TO EXCESS PROFITS TAX BY SECTION 21 OF THE EXCESS PROFITS TAX ACT, 1940.

To

Whereas you have not paid the sum of Rs ..... Excess Profits Tax, assessed for the chargeable accounting period commencing ..... 19....., and ending..... 19....., on the prescribed date, viz.....

2 You are further warned that unless the total amount due, including this penalty is paid on or before ..... 194 .., a further penalty will be imposed on you (and a warrant of distress will be issued for the recovery of the whole amount due with costs)

\* Treasury Officer

Sub-Treasury Officer

Agent, Imperial Bank of India

Governor, Reserve Bank of India

3 You are required to pay the amount to the

at.....when you will be granted a receipt.

4. If you intend to appeal against this penalty you may present an appeal under sub-section (1) of section 17 of the Excess Profits Tax Act, 1940, to the Appellate Assistant Commissioner of Excess Profits Tax at... .. within 45 days of the receipt of this notice, in the form prescribed under sub-section (3) of section 17 duly stamped and verified as laid down in that form. A copy of the form may be obtained from this office.

Excess Profits Tax Officer

Dated.....19 .

..... } Address.  
..... }

\* Delete inappropriate words.



THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)--*contd.*

FORM E. P. S-A.

## FORM OF APPEAL UNDER THE PROVISIO TO SECTION 8 (5) OF THE EXCESS PROFITS TAX ACT, 1940.

To

THE BOARD OF REFEREES,

The..... day of..... 194 ..  
 The petition of..... of..... sheweth as follows:—

1. .... transferred as a going concern on..... 19....  
 a part of his business to.....

2. Under the provisions of sub-section 5 of section 8 of the Act the Excess Profits Tax Officer has—

\* (a) apportioned the profits of the said business for the "previous years" from which, under section 6 (1), the standard periods of the business retained by..... and of the business transferred to..... may be selected as follows:—

	Business retained. Rs.	Business transferred. Rs.
"Previous year" ended..... 19 ..	.....	.....
"Previous year" ended..... 19 ..	.....	.....
"Previous year" ended..... 19 ..	.....	.....
"Previous year" ended..... 19 ..	.....	.....

\* (b) apportioned the average capital employed in the said business during those "previous years" as follows:—

	Business retained. Rs.	Business transferred. Rs.
"Previous year" ended..... 19 ..	.....	.....
"Previous year" ended..... 19 ..	.....	.....
"Previous year" ended..... 19 ..	.....	.....
"Previous year" ended..... 19 ..	.....	.....

3. Your petitioner objects to the apportionment made, as set out above, as follows:—

\* (a) Profits of the "previous year" ended..... 19 ..  
 Profits of the "previous year" ended..... 19 ..  
 Profits of the "previous year" ended..... 19 ..  
 Profits of the "previous year" ended..... 19 ..

\* (b) Average capital employed during the "previous year" ended..... 19 ..  
 Average capital employed during the "previous year" ended..... 19 ..  
 Average capital employed during the "previous year" ended..... 19 ..  
 Average capital employed during the "previous year" ended..... 19 ..

4. Your petitioner therefore requests that the apportionment so specified may be modified to the extent set out in the Grounds of Appeal.

Signed.....

## GROUNDS OF APPEAL.

## Form of Verification.

I..... the petitioner named in the above pet'tion, do declare that what is stated therein is true to the best of my information and belief.

Signed.....

\* Insert particulars of the periods in respect of which the appeal is made.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

FORM E. P. 9.

FORM OF APPEAL AGAINST A DECISION UNDER SECTION 8 OF THE EXCESS PROFITS TAX ACT OTHER THAN A DECISION UNDER THE PROVISION TO SUB-SECTION (5) <sup>1</sup> [OR SUB-SECTION (5)] OF SECTION 8.

To

THE APPELLATE ASSISTANT COMMISSIONER OF  
EXCESS PROFITS TAX,

The.....day of..... 194 .

The petition of ..... of..... sheweth as follows:—

1. Your petitioner is not satisfied with the decision of the Excess Profits Tax

\* Sub-section (2)

\* Sub-section (7)

Officer made under \* Sub-section (4) of section 8 of the Excess Profits Tax Act, 1940

\* Sub-section (6)

\* Sub-section (7)

2 Your petitioner received \* a copy of the order  
\* an intimation of the said decision

on..... 194

3. For the reasons given in the grounds of appeal, your petitioner prays that the decision of the Excess Profits Tax Officer may be modified so as to grant your petitioner the relief prayed for.

Signed.....

# GROUND S OF APPEAL

## Form of Verification.

I,..... the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief

Signed.....

\* Inappropriate items to be deleted

<sup>1</sup> Ins. C. B. E. Notfn. No. 17, dated the 26th April 1941.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

FORM E. P. 10.

FORM OF APPEAL AGAINST ASSESSMENT UNDER SECTION 14 (1) OF THE  
EXCESS PROFITS TAX ACT, 1940.

To

THE APPELLATE ASSISTANT COMMISSIONER OF

EXCESS PROFITS TAX,

The... ..day of.....191 .

The petition of. .... of..... sheweth as follows —

1 Under section 14 (1) of the Excess Profits Tax Act <sup>\* The profits liable to Excess profit tax</sup>  
of your petitioner's business for the chargeable accounting period commencing ....  
.....19 .., and ending.....19 .., <sup>\* deficiency of profit</sup> <sup>have</sup> <sup>has</sup> been determined to be  
Rs. ....

2 The <sup>\* notice of demand</sup> <sup>\* intimation of the amount of deficiency of profits</sup> attached hereto, was served upon  
<sup>\* intimation of the order of refunds</sup> your petitioner on, .....191 .....

3 Your petitioner <sup>\* complied with</sup> <sup>\* did not comply with</sup> the terms of the notice(s) under sub-  
section (1) and/or sub-section (2) of section 13 of the Excess Profits Tax Act

4. Your petitioner's claim that during the said chargeable accounting period  
<sup>\* the profits liable to Excess Profits Tax</sup> of your petitioner's business amounted to  
<sup>\* the deficiency of profits</sup> Rs.....

5. Your petitioner therefore prays that <sup>\* the business may be assessed accordingly</sup>  
<sup>\* the deficiency of profits may be determined accordingly</sup>  
<sup>\* he may be granted a refund of Rs</sup>

Signed.

## GROUNDS OF APPEAL.

## Form of Verification.

I,....., the petitioner named in the above petition do  
declare that what is stated therein is true to the best of my information and belief

Signed.

\* Inappropriate items to be deleted.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

FORM E P. 11.

TORT OF APPEAL TO THE APPELLATE ASSISTANT COMMISSIONER  
 AGAINST IMPOSITION OF PENALTY UNDER SECTION 13 OR SECTION  
 16 OF THE EXCESS PROFIT . . . . .  
 OF THE INDIAN INCOME-T . . . . .  
 FITS TAX BY SECTION 21 . . . . .

To

THE APPELLATE ASSISTANT COMMISSIONER OF

EXCESS PROFITS TAX,

The .....day of.....194 .

The petition of..... of.....  
 sheweth as follows:—

1. A penalty of Rs....., for which the notice of demand attached herewith  
 was received on .....194 , has been imposed on your  
 petitioner under <sup>\* section 10 of the Excess Profits Tax Act, 1940</sup>  
<sup>\* section 16 of the Excess Profits Tax Act, 1940</sup>  
<sup>\* section 46 (1) of the Indian Income-tax Act, 1922</sup>

2. \* Your petitioner did not enter into any artificial transaction for the purposes  
 of avoiding the excess profits tax

\* Your petitioner had reasonable cause for not furnishing the return under sub-  
 section (1) of section 13 or for not complying with the notice under sub-section (2) of  
 section 13

\* Your petitioner did not conceal particulars of the profits arising or capital em-  
 ployed in the business or deliberately furnish inaccurate particulars thereof

\* Your petitioner was unable to pay the tax within time for the reasons set forth  
 below.

3. For the reasons given in the Grounds of Appeal your petitioner therefore prays  
 that the order of the Excess Profits Tax Officer imposing the penalty may be set aside.

Signed.

## GROUNDS OF APPEAL.

## Form of Verification.

I,....., the petitioner named in the above petition, do  
 declare that what is stated therein is true to the best of my information and belief.

Signed.

\* Delete inappropriate words.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

FORM E. P. 12.

FORM OF APPEAL AGAINST THE AMOUNT OF RELIEF OR REFUND OR  
AGAINST REFUSAL TO GRANT RELIEF OR REFUND UNDER SECTION  
7 OR SECTION 11 OF THE EXCESS PROFITS TAX ACT, 1940.

To

THE APPELLATE ASSISTANT COMMISSIONER OF  
EXCESS PROFITS TAX,

The... ..day of ... ..194 .

The petition of .. ..of..... sheweth as follows:—

\* 1 Your petitioner applied to the Excess Profits Tax Officer for relief under section 7 of the Excess Profits Tax Act in respect of a deficiency of profits amounting to Rs ..... occurring in the chargeable accounting period commencing ..... 19 , and ending... ..19 .

\* Your petitioner claimed, under section 11 of the Excess Profits Tax Act, relief amounting to Rs ..... in respect of excess profits taxation imposed in .. .. upon the profits of your petitioner's business.

2 The Excess Profits Tax Officer has by his order, dated the..... of which a copy is attached <sup>\*rejected the claim for relief</sup> <sup>\*granted relief of only Rs</sup>..... Intimation of this order was received by your petitioner on ....

3. Your petitioner for the reasons stated in the Grounds of Appeal prays that the full relief due to the petitioner may be granted.

Signed.

9

GROUND OF APPEAL.

## Form of Verification.

I,....., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

Signed.

\* Inappropriate items to be deleted.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

FORM E. P. 13.

FORM OF APPEAL TO THE COMMISSIONER OF EXCESS PROFITS TAX  
AGAINST ENHANCEMENT OF TAX OR PENALTY OR IMPOSITION OF  
PENALTY BY THE APPELLATE ASSISTANT COMMISSIONER.

To

THE COMMISSIONER OF EXCESS PROFITS TAX,

The.....day of.....194 .

The petition of.....of.....sheweth as  
follows:—

1. The Appellate Assistant Commissioner of Excess Profits Tax at.....  
\* has imposed on your petitioner, under section 16 of the Excess Profits Tax Act, 1940,  
a penalty of Rs.....

\* has, under section 17 (4) of the Excess Profits Tax Act, 1940, increased the  $\frac{\text{tax}}{\text{penalty}}$   
payable by your petitioner from Rs..... to Rs.. ..

2. For the reasons stated in the Grounds of Appeal your petitioner prays that

\* the order imposing the penalty may be set aside

\* the enhancement may be set aside

\* the enhancement may be reduced to Rs.....

Signed.

## GROUNDS OF APPEAL.

## Form of Verification.

I..... the petitioner named in the above petition, do  
declare that what is stated therein is true to the best of my information and belief.

Signed.

\* Inappropriate words to be deleted.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

FORM E. P. 14.

## FORM OF APPLICATION UNDER SECTION 6 (3).

To

THE EXCESS PROFITS TAX OFFICER,

The.....day of.....194

The application of.....of.....sheweth as follows:—

1. That the applicant has been served with a notice under section 13 (1) of the Act on.....and that the Return required by the said notice is due on.....

\* and the previous year as determined under section 2 (11) of the Indian Income-tax Act, 1922, for the purposes of the income-tax assessment for the year ending 31st March 19 , being the period commencing.....19 , and ending.....19

3 That the profits of such "standard period" computed in accordance with the provisions of the First Schedule to the Act are Rs.....

4. That such profits were less than might at the commencement of such standard period have been reasonably expected owing to the following cause(s):—

5 That the average amount of capital employed in the business, during the said standard period computed in accordance with the provisions of the Second Schedule to the Act was Rs.....

7. The applicant further applies that such direction shall not be limited to the statutory percentage of the average amount of the capital employed in the business because it is just that a greater amount should be allowed in view of the following specific cause(s) peculiar to the business:—

8 Copies of my computations showing how the sums referred to in paragraphs 4 and 6 are arrived at are attached hereto.

Signature of the applicant.

## Form of Verification.

I, ....., the applicant in this application, do declare that the particulars above stated are true to the best of my information and belief.

Signature.....

\* Where a standard period of one "previous year" is chosen delete this sub-paragraph.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

FORM E. P. 15.

## FORM OF APPLICATION UNDER SECTION 26 (I).

To

THE CENTRAL BOARD OF REVENUE.

The.....day of.....194 .

The application of.....of.....sheweth as follows:—

1. That the applicant has been served with a notice under section 13 (I) of the Income-tax Act, 1922, for the purposes of the income-tax assessment for the year ending 31st March 19 , being the period commencing.....19 , and ending.....19 , and the "previous year" as determined, under section 2 (II) of the Indian Income-tax Act, 1922, for the purpose of the income-tax assessment for the year ending 31st March 19 , being the period commencing.....19 , and

is to say:—

5. That the average amount of capital employed in the business during the chargeable accounting period commencing.....19 , and ending.....19 , computed in accordance with the provisions of the Second Schedule to the Act was Rs.....

6. \* That application has been made to the Board of Referees under section 6 (J) of the Act, and

- \* that no relief has been granted by that Board
- \* that insufficient relief has been granted by that Board increasing the said standard profits to Rs.....only.

7. The applicant therefore applies that under section 26 (I) of the Act the Central Board of Revenue may direct that the standard profits of the business shall be computed as if the profits of the standard period were such greater amount as they think just.

8. The applicant further applies that such direction shall not be limited to the statutory percentage of the average amount of the capital employed in the business because it is just that a greater amount should be allowed in view of the following specific cause(s) peculiar to the business:—

9. Copies of my computations showing how the sums referred to in paragraphs 3 and 5 are arrived at are attached hereto.

Signature of the applicant.

## Form of Verification.

I, .....the applicant in this application, do declare that the particulars above stated are true to the best of my information and belief.

Signature.....

\* Delete inappropriate items.



THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*<sup>1</sup> [FORM E. P. 16-A.]

FORM OF APPLICATION FOR SPECIAL ALLOWANCE, UNDER THE PROVISIONS OF SECTION 26 (3) [HEAD (d)] OF THE ACT, IN COMPUTING THE PROFITS OF A BUSINESS DURING A CHARGEABLE ACCOUNTING PERIOD.

Name of applicant.....  
 Address of applicant.....  
 Business.....  
 The.....day of.....194 .

To

THE CENTRAL BOARD OF REVENUE.

The applicant named above submits—

1. that the profits of his business during the chargeable accounting period commenced, . . . . . 19 , and ended, . . . . . 19 , computed in accordance with the provisions of the First Schedule to the Act are Rs. . . . .

2. that such computation is inequitable owing to the following circumstances, namely.—

the business includes the winning of a mineral or mineral oil, the winning of which is of exceptional importance for the prosecution of the war and that, during the chargeable accounting period above-mentioned, there was an increase in the output of such mineral or mineral oil which was essential in the national interest and which has had the effect of shortening the period during which, but for such increased output, the source of the mineral or mineral oil might have been expected to be exhausted ;

as shown in the statement of particulars set out on the back of this form.

Signature of applicant. ....

*Schedule of particulars required.*

1. Description of the minerals.

---

2. Description, including particulars of the area, of the source of the minerals.

---

3. Output of the minerals :—
  - (a) in the standard period being—
 

(i) the period commencing	19
and ending	19
and	
* (ii) the period commencing	19
and ending	19
  - (b) in the chargeable accounting period—
 

(i) commencing	19
and ending	19
* (ii) commencing	19
and ending	19
* (iii) commencing	19
and ending	19

---

4. The date by which, but for the increased war-time output it is estimated that the source of the minerals would have been exhausted

---

5. The facts upon which the applicant bases his claim

---

I, . . . . ., the applicant in this application, do declare that the particulars above-stated are true to the best of my information and belief.

Signature. ....]

\* Delete if inapplicable.

<sup>1</sup> Ins., C. B. R. Notfn. No. 2, dated the 14th February 1942.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

FORM E. P. 17.

APPLICATION FOR REFUND OF EXCESS PROFITS TAX IN RESPECT OF  
DEFICIENCY OF PROFITS.

To THE EXCESS PROFITS TAX OFFICER.

I, ..... of ..... do hereby declare that for the chargeable accounting period commencing.....19, and ending ....., the excess profits arising from the business of ..... were determined at Rs..... and charged to tax amounting to Rs..... The tax was paid on.....

I further declare that during the chargeable accounting period commencing.....  
10 , and ending.. .....10 , there was a deficiency of profits in the same busi-  
ness amounting to Rs. ....

I therefore pray for a [\* provisional] refund of Rs..... The Return prescribed under section 13 (1) of the Act showing the said deficiency of profits is attached hereto.

Dated the ..... 194 . Signature.....

**Form of verification.**

I hereby declare that what is stated herein is true to the best of my information and belief.

Dated the.....194 . Signature.....

\* The word provisional should be deleted except where a deficiency of profits arising after the end of March 1941 is to be set off against excess profits arising before the end of March 1941.]

FORM E. P. 18.

APPLICATION FOR REFUND IN RESPECT OF DOUBLE EXCESS PROFITS TAXATION.

To THE EXCESS PROFITS TAX OFFICER.

I therefore pray for relief amounting to Rs.....under—  
(a) sub-section 1 of section 11 of the Act in accordance with the Notification of  
the Central Government under that section,  
(b) sub-section 2 of that section.  
[Delete (a) or (b), whichever is inapplicable.]

Dated the.....194 . Signature.....

### Form of verification.

I hereby declare that what is stated herein is true to the best of my information and belief.

Dated the.....194 . Signature.....

<sup>1</sup> Insert name of Country or State in which tax paid.

<sup>1</sup> *Id.* C. R. R. Notice No. 17, dated the 26th April 1941

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

[ FORM E. P. 28A.

FOR

PUTATIONS OF  
TAX OFFICER  
PROFITS TAX

To

THE BOARD OF REFEREES,

C/O THE EXCESS PROFITS TAX OFFICER,

The day of 194 .

The petition of..... of.....  
..... sheweth as follows —

1. Your petitioner's business carried on by him during the chargeable accounting period commencing.....19 and ending .....19 .

\* has, by virtue of sub-section \*(2)/\*(3), been deemed not to have been discontinued.

\* is treated, by virtue of sub-section (4), as if it had been in existence throughout the period during which there was in existence another business.

\* is treated, by virtue of sub-section (5), as a continuation of another business.

\* your petitioner, who has carried on the business after its transfer to him on the .....day of.....19 , is treated, by virtue of sub-section (5) as having carried on the business as from a date before such transfer.

2. Your petitioner was served on..... with a notice.....

\* of the modifications made by the Excess Profits Tax Officer.....  
\* of the refusal of the Excess Profits Tax Officer to make modifications under sub-section (5) of section 8 of the Excess Profits Tax Act, 1940.

3. For the reasons given in the grounds of appeal your petitioner is not satisfied with.

\* the modifications aforesaid.

\* the refusal aforesaid.

4. Your petitioner, therefore, prays that the \* modifications/\* refusal above-mentioned may be \* set aside/\* amended so as to grant your petitioner the relief prayed for.

## GROUNDS OF APPEAL.

Signed .....

\* Inappropriate words to be deleted

\* Ins., C. B. R. Notfn. No 5, dated the 1st February 1941.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

## Form of Verification.

I, \_\_\_\_\_, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

Signed.....

FORM E. P. 29A.

*Excess Profits Tax Act, 1940.*

## FORM OF APPEAL AGAINST THE DETERMINATION OF THE EXCESS PROFITS TAX OFFICER UNDER RULE 11 OF THE FIRST SCHEDULE TO THE EXCESS PROFITS TAX ACT, 1940.

To

THE BOARD OF REFEREES,

C/o THE EXCESS PROFITS TAX OFFICER,

.....

The                      day of                      194 .

The petition of  
sheweth as follows —

1. Your petitioner is not satisfied with the determination of the Excess Profits Tax Officer under Rule 11 of the First Schedule to the Act, that the sum of Rs ..... allowable apart from the provisions of that rule as a deduction in computing the profits of the accounting period commencing 19   and ending 19 , does not represent a sum reasonably and properly attributable to that accounting period and that it shall be treated as attributable as to

(i) the sum of Rs.	to the accounting period commencing
194   and ending	194
* and (ii) the sum of Rs.	to the accounting period commencing
194   and ending	194
* and (iii) the sum of Rs.	to the accounting period commencing
194   and ending	194

2. Your petitioner received a copy of the order notifying the said determination on 194 .

3. For the reasons given in the grounds of appeal, your petitioner prays that the determination of the Excess Profits Tax Officer may be \*set aside/\*amended so as to grant your petitioner the relief prayed for.

## GROUNDS OF APPEAL.

Signed.....

## Form of Verification.

I, \_\_\_\_\_, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my knowledge and belief.

Signed.....

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

\* FORM E. P. 30.

*Excess Profits Tax Act, 1940.*

## FORM OF APPLICATION FOR ALLOWANCE IN RESPECT OF INHERENTLY UNPRODUCTIVE ASSETS UNDER RULE 7 OF THE SECOND SCHEDULE.

To

EXCESS PROFITS TAX OFFICER,

The                      day of                      194 .

The application of  
sheweth as follows:—

1. That the applicant has been served with a notice under section 13 (I) of the Act on                      194   and that the Return required by the said notice \*is due on                      194   /\*has been duly furnished to the Excess Profits Tax Officer.

2. That the standard period elected by the applicant under section 6 (2) of the Act is the "previous year" as determined under section 2 (II) of the Indian Income-tax Act, 1922, for the purposes of the income-tax assessment for the year ending 31st March 19   , being the period commencing                      19   and ending                      19   \*and the "previous year" as determined under section 2 (II) of the Indian Income-tax Act, 1922, for the purposes of the income tax assessment for the year ending 31st March 19   , being the period commencing                      19   and ending                      19   .

3. (a) That certain assets, namely                      were inherently unproductive during the whole or some part of the said standard period ;

(b) that the cost of those assets was Rs.                      ;

(c) that the average capital employed in the business during the standard period in respect of those assets computed in accordance with Rules 1 to 6 of the Second Schedule to the Act was Rs.                      ;

(d) that the circumstances, by reference to which the applicant claims that the assets were inherently unproductive, are                      .

4. The applicant therefore applies that, under Rule 7 of the Second Schedule to                      .

5. A copy of my computation showing how the sum referred to in paragraph 3 (c) is arrived at is attached hereto.

Signature of applicant.

## Form of Verification.

I,                      , the applicant in this application, do declare that the particulars above stated are true to the best of my information and belief.

Signature.....]

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

<sup>1</sup>FORM E. P. 9 (T).

Form of Section 8 Excess Profits Tax Act Appeal.

IN

THE (INCOME TAX) APPELLATE TRIBUNAL, DELHI.  
8 E. P. T. A. A. No.      of 19    19    .\*

versus

Appellant.

Respondent.

---

Province from which the appeal is filed.

---

Excess Profits Tax Officer making the original order.

---

Sub-section of section 8 under which the order was made  
and the substance of the order.

---

Date of the original order.

---

Appellate Assistant Commissioner determining the appeal.

---

Whether the original order was confirmed, cancelled, etc.,  
on appeal.

---

Date of the appellate order.

---

Date on which the appellate order came to the knowledge  
of the appellant.

---

Postal address on which the appellant undertakes to  
receive notices.

---

Postal address on which notices should be issued to the  
respondent.

---

Relief claimed in appeal.

---

\* To be filled in by the officer.

<sup>1</sup> Added by C. B. R. Notch, No. 7, dated 15th February, 1941.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*FORM E. P. 9 (T)—*contd.*

## GROUNDS OF APPEAL.

Signed, ..... (Appellant.)

Signed, .....  
(Authorised representative, if any.)

## VERIFICATION.

I, \_\_\_\_\_, the appellant do hereby declare that what is stated above is true to the best of my information and belief. Verified today the day of \_\_\_\_\_ at \_\_\_\_\_.

Signed ( \_\_\_\_\_ )

*N.B.*—1. Strike out unnecessary columns.

2. The appeal must be accompanied by a certified copy of the order appealed from and a copy of the grounds of appeal to the Tribunal.

3. The appeal must be accompanied by a Treasury receipt for Rs. 100.

FORM E. P. 10/13 (T).

Form of Section 14 (1) Excess Profits Tax Act Appeal.

IN

THE (INCOME-TAX) APPELLATE TRIBUNAL, DELHI.

14 (1) E. P. T. A. A. No.

of 19 -19 .\*

*versus*

Appellant.

Respondent.

Province from which the appeal is filed.

Whether the terms of notices under sub-sections (1) and (2) of section (13) were complied with

Excess Profits Tax Officer making the original order.

Profits assessed to excess profits tax.

Deficiency determined.

Amount of net tax determined.

Date of receipt of notice of demand.

\* To be filled in by the office.

**THE EXCESS PROFITS TAX ACT, 1910 (XV OF 1910)—*contd.***

**FORM F. P. 10/13 (T)—*contd.***

Date of receipt of the copy of the order determining deficiency of profits.

---

Date of intimation of the order of refund.

---

Appellate Assistant Commissioner determining the appeal.

---

Profits held assessable to excess profits tax by the Appellate Assistant Commissioner

---

Deficiency determined by the Appellate Assistant Commissioner.

---

Refund, if any, made by the Appellate Assistant Commissioner.

---

Enhancement of profits and tax, if any, made by the Appellate Assistant Commissioner.

---

Date of the appellate order.

---

Date on which the appellate order came to the knowledge of the appellant.

---

Postal address on which the appellant undertakes to receive notices.

---

Postal address on which notices should be issued to the respondent.

---

Relief claimed in appeal

---

**GROUND OF APPEAL.**

Signed.....  
(Appellant.)

Signed.....  
(Authorised representative, if any.)



THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

## VERIFICATION.

I, \_\_\_\_\_, the appellant do hereby declare that what I have stated above is true to the best of my information and belief. Verified today the day of \_\_\_\_\_ at \_\_\_\_\_

(Signed) ( \_\_\_\_\_ ).

*N.B.*—1 Strike out unnecessary columns.

2. The appeal must be accompanied by a certified copy of the order appealed from and a copy of the grounds of appeal to the Tribunal.

3. The appeal must be accompanied by a Treasury receipt for Rs. 100.

FORM E. P. 11 (1) (T.).

Form of Section 46 (1) Penalty Appeal.

In

THE (INCOME-TAX) APPELLATE TRIBUNAL, DELHI.

46 (1) E. P. T. A. A No. \_\_\_\_\_ of 19 -19 .\*

versus

Appellant.

Respondent.

Province from which the appeal is filed.

Officer making the original order.

Amount of tax determined.

Amount of tax in arrears

Period during which default continued.

Amount of the penalty.

Date of receipt of notice of demand.

Appellate Assistant Commissioner determining the appeal.

Whether the original order was confirmed, or cancelled or varied on appeal, and if varied in what respect.

\* To be filled in by the office.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

Date of the appellate order.

Date on which the appellate order came to the knowledge  
of the appellant.Postal address on which the appellant undertakes to  
receive noticesPostal address on which notices should be issued to the  
respondent

Relief claimed in appeal.

## GROUNDS OF APPEAL.

Signed.....  
(Appellant)Signed.....  
(Authorised representative, if any.)

## VERIFICATION.

I, \_\_\_\_\_, the appellant do hereby declare that what is  
stated above is true to the best of my information and belief. Verified today the  
day of \_\_\_\_\_ at \_\_\_\_\_

Signed ( \_\_\_\_\_ ).

N.B.—1. Strike out unnecessary columns.

2. The appeal must be accompanied by a certified copy of the order appealed  
from and a copy of the grounds of appeal to the Tribunal.

3. The appeal must be accompanied by a Treasury receipt for Rs. 100.

FORM E. P. 11 (T.).

Form of Section 10 Excess Profits Tax Act Appeal.

In

THE (INCOME-TAX) APPELLATE TRIBUNAL, DELHI,  
10 E. P. T. A. A. No. \_\_\_\_\_ of 19 -19 .\**versus*

Appellant.

Respondent.

Province from which the appeal is filed.

Excess Profits Tax Officer making the original order.

Date of receipt of notice of demand.

\* To be filled in by the office.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

Amount of the penalty.

---

Amount of the tax evaded or sought to be evaded as found  
by the Excess Profits Tax Officer

---

Appellate Assistant Commissioner determining the appeal.

---

Whether the original order was confirmed, cancelled or  
varied on appeal and if varied in what respect.

---

Date of the appellate order.

---

Date on which the appellate order came to the knowledge  
of the appellant

---

Postal address on which the appellant undertakes to  
receive notices.

---

Postal address on which notices should be issued to the  
respondent.

---

Relief claimed in appeal

---

#### 

Signed.....

(Appellant)

Signed.....

(Authorised representative, if any.)

#### 

I, \_\_\_\_\_, the appellant do hereby declare that what I have  
stated above is true to the best of my information and belief. Verified today the  
day of \_\_\_\_\_ at \_\_\_\_\_

Signed ( \_\_\_\_\_ )

*N.B.*—1. Strike out unnecessary columns.

2. The appeal must be accompanied by a certified copy of the order appealed  
from and a copy of the grounds of appeal to the Tribunal.

3. The appeal must be accompanied by a Treasury receipt for Rs. 100.

THE EXCESS PROFITS TAX ACT, 1910 (XV OF 1910)—*contd.*

FORM E. P. 11/13 (T).

Form of Section 16 Excess Profits Tax Act Appeal.

IN

TAX (INCOME TAX) APPELLATE TRIBUNAL, DELHI.

16 E. P. T. A. A. No. . . . . of 19 .19 .\*

RETURN

Appellant.

Respondent.

Province from which the appeal is filed.

Officer making the original order

Date of receipt of notice of demand.

Amount of the penalty.

Reason for imposing the penalty.

Appellate Assistant Commissioner determining the appeal.

Whether the original order was confirmed, cancelled or varied on appeal, and if varied in what respect.

Date of the appellate order.

Date on which the appellate order came to the knowledge of the appellant.

Postal address on which the appellant undertakes to receive notices.

Postal address on which notices should be issued to the respondent.

Relief claimed in appeal.

## GROUNDS OF APPEAL.

Signed.....

(Appellant.)

Signed.....

(Authorised representative, if any.)

## VERIFICATION.

I, \_\_\_\_\_, the appellant do hereby declare that what is stated above is true to the best of my information and belief. Verified to-day the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

Signed ( \_\_\_\_\_ )

N.B.—1. Strike out unnecessary columns.

2. The appeal must be accompanied by a certified copy of the order appealed from and a copy of the grounds of appeal to the Tribunal.
3. The appeal must be accompanied by a Treasury receipt for Rs. 100.

\* To be filled in by the office.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

FORM E. P. 12 (T.)

Form of Section 7 Excess Profits Tax Act Appeal.

IN

THE (INCOME-TAX) APPELLATE TRIBUNAL, DELHI.

7 E. P. T. A. A. No.

of 19 -19 .\*

*versus*

Appellant.

Respondent

Province from which the appeal is filed.

Chargeable accounting period

Excess Profits Tax Officer who made the original order.

Deficiency of Profits in respect of which relief was claimed  
before the Excess Profits Tax Officer.

Repayment or refund claimed.

Deficiency determined.

Repayment or refund allowed.

Date of receipt of the copy of the order determining the  
deficiency.Date of receipt of the intimation of the order granting or  
refusing to grant relief by repayment or otherwise.

Appellate Assistant Commissioner determining the appeal.

Deficiency found by the Appellate Assistant Commis-  
sioner.

\* To be filled in by the office.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*contd.*

Repayment or refund ordered by the Appellate Assistant  
Commissioner

Date of the appellate order.

Date on which the appellate order came to the knowledge  
of the appellant.

Postal address on which the appellant undertakes to  
receive notices

Postal address on which notices should be issued to the  
respondent.

Relief claimed in appeal

### 

Signed..... ..  
(Appellant.)

Signed..... ..  
(Authorised representative, if any.)

### 

I, , the appellant do hereby declare that what is stated  
above is true to the best of my information and belief Verified today the  
day of at

Signed ( ).

*N.B.—1. Strike out unnecessary columns.*

2. The appeal must be accompanied by a certified copy of the order appealed  
from and a copy of the grounds of appeal to the Tribunal.

3. The appeal must be accompanied by a Treasury receipt for Rs. 100.

### 

Form of Section 11 Excess Profits Tax Act Appeal.

IN

THE (INCOME-TAX) APPELLATE TRIBUNAL, DELHI.

11 E. P. T. A. A. No.

19 -19 .\*

*versus*

Appellant.

Respondent.

Province from which the appeal is filed

Chargeable accounting period.

Excess Profits Tax Officer who made the original order.

Relief claimed before the Excess Profits Tax Officer.

Grounds on which relief was claimed before the Excess  
Profits Tax Officer.

\* To be filled in by the office.

THE EXCESS PROFITS TAX ACT, 1940 (XV OF 1940)—*concl'd.*  
FORM E. P. 15 (T.).

Form of Rule 12, Schedule I, Excess Profits Tax Act Appeal.

IN

THE (INCOME-TAX) APPELLATE TRIBUNAL, NEW DELHI.

12 R E P. T. A. A No.....of 19 -19 .\*

*versus*

Appellant

Respondent.

Province from which the appeal is filed

Excess Profits Tax Officer making the order.

Substance of the order made under Rule 12

Date of the order

Date on which the order of assessment affected by such adjustment was served on the appellant

Postal address on which the appellant undertakes to receive notices.

Postal address on which notices should be issued to the respondent.

Relief claimed in appeal

GROUND'S OF APPEAL.

Signed

(Appellant.)

Signed

(Authorised representative, if any.)

VERIFICATION.

I, the appellant do hereby declare that what is stated above is true to the best of my information and belief. Verified to-day the day of at

Signed (

.)

N.B.—1. Strike out unnecessary columns.

2. The appeal must be accompanied by a certified copy of the order appealed from and a copy of the grounds of appeal to the Tribunal.]

[*Gazette of India*, 1940, Pt. I, p. 1380.]

C. B. R. No. 11-C., dated the 24th May, 1941.—In exercise of the powers conferred by section 27 of the Excess Profits Tax Act, 1940 (XV of 1940), as applied to the District of Abu, and of all other powers enabling it in that behalf, the Central Board of Revenue is pleased to apply to the said District the Excess Profits Tax Rules, 1940, for the time being in force in British India, in so far as the said Rules may be applicable, subject to any amendments to which they are for the time being subject in British India and subject to the modification that references to British India shall be construed as references to the District of Abu.

[*Gazette of India*, 1941, Pt. I, p. 757.]

\* To be filled in by the office.

THE NATIONAL SERVICE (EUROPEAN BRITISH SUBJECTS) ACT, 1940  
(XVIII OF 1940).

*Home Dept., No 292/41-M. P., dated the 16th July, 1941.*—In pursuance of sub-section (1) of section 4A of the National Service (European British Subjects) Act, 1940 (XVIII of 1940), the Central Government is pleased to empower within their respective jurisdictions the Chief Presidency Magistrates of Madras, Bombay and Calcutta for the purposes of the said section.

[*Gazette of India, 1941, Pt. I., p. 1007.*]

*D. C. Dept., No. 145-M.P., dated the 18th April, 1940.*—In exercise of the powers conferred by sub-section (1) of section 5 of the National Service (European British Subjects) Act, 1940 (XVIII of 1940), the Central Government is pleased to constitute National Service Advisory Committees for the areas specified in the first column of the Schedule hereto annexed in the places specified in the corresponding entries in the second column of the said Schedule.

SCHEDULE.

Area.	Place.
P. & A. Military District . . . . .	Calcutta.
Madras Military District . . . . .	Madras.
Bombay Military District . . . . .	Bombay.
<sup>1</sup> [Deccan (Independent) Military Area, excluding the civil districts of Guntur, Kistna, West Godavari, East Godavari and Vizaga- patam . . . . .]	Bombay.
Poona (Independent) Military Area . . . . .	Bombay.
The civil districts of Guntur, Kistna, West Godavari, East Godavari and Vizagapatam . . . . .	Madras.]
Jubbulpore (Independent) Military Area . . . . .	Bombay.
Lahore Military District . . . . .	Lahore.
Rawalpindi Military District . . . . .	Lahore.
Peshawar Military District . . . . .	Lahore.
Kohat Military District . . . . .	Lahore.
Waziristan Military District . . . . .	Lahore.
Lucknow Military District . . . . .	Cawnpore.
<sup>2</sup> [Meerut Military District, excluding Delhi Military Area . . . . .]	Delhi.]
Delhi Military Area . . . . .	Delhi.
<sup>1</sup> [Western (Independent) Military District, excluding Sind Military District . . . . .]	Karachi.]
<sup>1</sup> [Sind Military District . . . . .]	Karachi.]

[*Gazette of India, 1940, Extraordinary, p., 133.*]

<sup>1</sup> Subs., C. D. Dept., Notification No. 4/42/M.P., dated the 7th January, 1942.

<sup>2</sup> Subs., D. C. Dept., Notification No. 145/M. P., dated the 4th October, 1940.



THE NATIONAL SERVICE (EUROPEAN BRITISH SUBJECTS) ACT, 1940  
(XVIII OF 1940)—*contd.*

*Home Dept., No. 470-E. O. (M.P.)/40, dated the 9th August, 1940.*—In exercise of the powers conferred by sub-section (1) of section 9 of the National Service (European British Subjects) Act, 1940, the Central Government is pleased to constitute Tribunals for the areas specified in the first column of the Schedule hereto annexed in the places specified in the corresponding entries in the second column of the said Schedule.

SCHEDULE.

Area.	Place.
P & A. Military District . . . . .	Calcutta
Madras Military District . . . . .	Madras.
Bombay Military District . . . . .	Bombay.
<sup>1</sup> [Dccan (Independent) Military Area, excluding the civil districts of Guntur, Kistna, West Godavari, East Godavari and Vizagapatam . . . . .]	Bombay.
Poona (Independent) Military Area . . . . .	Bombay.
The civil districts of Guntur, Kistna, West Godavari, East Godavari and Vizagapatam . . . . .	Madras ]
Jubbulpore (Independent) Military Area . . . . .	Bombay.
Lahore Military District . . . . .	Lahore.
Rawalpindi Military District . . . . .	Lahore.
Peshawar Military District . . . . .	Lahore.
Kohat Military District . . . . .	Lahore.
Waziristan Military District . . . . .	Lahore
Lucknow Military District . . . . .	Cawnpore.
Meerut Military District, excluding Delhi Military Area <sup>2</sup> . . . . .	<sup>2</sup> [Delhi].
Delhi Military Area . . . . .	Delhi.
<sup>1</sup> [Western (Independent) Military District, excluding Sind Military District . . . . .]	Karachi.
Sind Military District . . . . .	Karachi].

[*Gazette of India*, 1940, Extraordinary, p. 480.]

*Home Dept., No. 469-E. O. (M.P.)/40, dated the 9th August, 1940.*—In exercise of the powers conferred by section 12 of the National Service (European British Subjects) Act, 1940 (XVIII of 1940), and in supersession of the National Service (European British Subjects) Rules, 1940, published with the Notification of the Government of India in the Home

<sup>1</sup> Subs., C. D. Dept., Notification No. 5/12/M. P., dated the 9th April, 1942.

<sup>2</sup> Subs., D. C. Dept., Notification No. 208/M. P., dated the 1st November, 1940.

THE NATIONAL SERVICE (EUROPEAN BRITISH SUBJECTS) ACT, 1940  
(XVIII OF 1940)—*contd.*

Department, No. 189/II/M P., dated the 15th May, 1940, the Central Government is pleased to make the following Rules, namely :—

1. These Rules may be called the National Service (European British Subjects) Rules, 1940

2. In these Rules, unless there is anything repugnant in the subject or context,—

(1) “the Act” means the National Service (European British Subjects) Act, 1940 (XVIII of 1940);

(2) “Committee” means a National Service Advisory Committee constituted under section 5 of the Act;

(3) “Schedule” means a Schedule annexed to these Rules;

(4) “Tribunal” means a tribunal constituted under section 9 of the Act.

3. The preliminary notices referred to in section 4 of the Act shall be in one or other of the Forms set forth in Schedule I.

4. A person called up under section 4 of the Act for enquiry shall be entitled to receive travelling allowance in accordance with the provisions set forth in Schedule II.

5. (1) Claims for travelling allowance shall be submitted to the Committee concerned in the form of a bill duly signed and stamped.

(2) The name of the treasury from which payment is desired shall be specified in the bill.

(3) The Chairman of the Committee after satisfying himself in regard to the correctness of the claim shall countersign and transmit the bill for payment to the Controller of Military Accounts concerned, through the General Officer Commanding the military district or Area, as the case may be, in which the claimant is residing.

6. The claims referred to in sub-section (1) of section 6A of the Act shall be in the Form set forth in Schedule III.

7. The calling-up notice referred to in sub-section (1) of section 7 of the Act shall be in the Form set forth in Schedule IV or Schedule V according as the person is called up for service in His Majesty's armed forces or in a civilian capacity.

8. A person called up under section 7 of the Act for service in His Majesty's armed forces or in a civilian capacity under the Crown shall be entitled to receive travelling allowance at the rate admissible in the service to which he is assigned.

9. A person called up under section 7 of the Act for civilian service otherwise than under the Crown shall—

(a) on the first occasion of his joining such service, be paid by the competent authority travelling expenses at such rates as

THE NATIONAL SERVICE (EUROPEAN BRITISH SUBJECTS) ACT, 1940  
(XVIII OF 1940)—*contd.*

that authority may, having regard to his status and mode of life, fix in this behalf; and

- (b) on the termination of his employment in such service otherwise than by dismissal or discharge, be paid by the employer to whom he was assigned travelling expenses at the rates fixed under clause (a) to the place where he was employed or was residing immediately before being called up for national service.

10. (1) The competent authority shall fix the salary or wages to be paid to any person called up for service in a specified civilian capacity having due regard to the nature of the service which he is to undertake and the salary or wages of which he was in receipt in his former employment (if any).

(2) Subject to the provisions of sub-rule (3) no person called up for service in a specified civilian capacity shall receive a salary or wages higher than he received in the post in which he was last employed unless it can be shown that the work on which he is to be engaged is of a more responsible or arduous nature.

(3) In fixing the salary or wages to be paid to a person called up for service in a specified civilian capacity the competent authority shall ensure as far as may be that the economic position of such person does not suffer by reason of his being assigned to such service..

(4) The salary or wages fixed by a competent authority under this Rule shall be paid by the Government or other employer to whom the person has been assigned for national service.

<sup>1</sup>[11. When any person is called up for service under section 7 of the Act—

- (a) such person may, at his option, continue to subscribe to any provident or superannuation fund or other scheme for the benefit of employes maintained or managed by the employer employing him immediately before he was called up, at a rate applicable to him under the rules of such fund or scheme;
- (b) the said employer shall continue to credit such person's account in the fund or scheme with interest on the amount in such account in accordance with the rules of the fund or scheme;
- (c) such person may, if the rules of the fund or scheme so permit and in accordance with such rules, withdraw sums from the amount at his credit in the fund or scheme;

and for the purpose of calculating the amount of any contribution or withdrawal admissible, such person's salary shall be deemed to be salary which he would have received had he not been called up.]

<sup>1</sup> *Rule.*, Home Dept., Notification No. 253/M.P., dated the 11th September, 1941.

THE NATIONAL SERVICE (EUROPEAN BRITISH SUBJECTS) ACT, 1910  
(XVIII OF 1910)—*contd.*

12. Any person called up for service in a specified civilian capacity shall, if the competent authority so directs, be entitled, subject to such conditions as may be laid down by the competent authority, to such leave on full pay at the expense of the Government or other employer to whom he has been assigned for national service as would be admissible to him if he had continued in his former employment.

13. (1) Every appeal by a conscientious objector under sub-section (4) of section 6A of the Act shall be addressed to the Chairman of the Tribunal at his official address, and shall show the name, address and occupation of the appellant and enclose a copy of the order appealed against.

(2) Every appeal under section 7A or section 7B of the Act shall be in the Form set forth in Schedule VI or Schedule VII, according as the appeal is by a person called up for national service or by the employer of such person, and shall be addressed to the Chairman of the Tribunal at his official address.

14. Every reference made under the first proviso to section 8 of the Act shall state the name, address and occupation of the person making the reference, the terms of service formerly enjoyed by the employee concerned, and a brief statement of the grounds of reference.

## SCHEDULE I.

(SEE RULE 3.)

*Forms of preliminary notice.*

(1)

In exercise of the powers conferred on me by sub-section (1) of section 4 of the National Service (European British Subjects) Act, 1910, read with clause (a) of section 2 of the said Act, I.....  
.....hereby inform you.....  
.....that you are called up for enquiry into your fitness and availability for national service, and I require you to present yourself for examination by the National Service Advisory Committee.....  
.....at.....on.....191 at  
..... $\frac{A. M.}{P. M.}$  You will be entitled to draw second class travelling allowance.

Officer Commanding,

.....  $\frac{\text{District}}{\text{Area.}}$ 

Dated.....the.....191 .

THE NATIONAL SERVICE (EUROPEAN BRITISH SUBJECTS) ACT, 1910<sup>\*</sup>  
(XVIII OF 1910)—*contd.*

(2)

In exercise of the powers conferred on me by sub-section (1) of section 4 of the National Service (European British Subjects) Act, 1910, read with clause (a) of section 2 of the said Act, I.....  
..... hereby inform you.....  
..... that you are called up for enquiry into your fitness and availability for national service, and I require you to present yourself to.....at.....on.....

194 at..... $\frac{A. M.}{P. M.}$  You will be entitled to draw second class travelling allowance.

Officer Commanding,

..... $\frac{\text{District.}}{\text{Area.}}$

Dated. . . . . the . . . . . 194 .

## SCHEDULE II.

(SEE RULE 4.)

1. Travelling allowance is admissible in the form of daily allowance, railway or steamer fares, and mileage.

2. Travelling allowance is admissible from the ordinary place of residence of a person called up to the place at which the enquiry is held or to any place which such person may visit for the purpose of enquiry, and *vice versa* :

Provided that if the journey begins or ends at a place nearer to the place of enquiry or the place visited for the purpose of enquiry than the ordinary place of residence, travelling allowance will be admissible only to or from such nearer place.

3. Daily allowance is admissible for halts in excess of 2½ hours and is payable at the rate of Rs. 4 for each completed 24 hours. Half the rate is admissible for broken periods in excess of 12 hours.

*Exception.*—The rate of daily allowance will be Rs. 6 in Calcutta and Rs. 5 in Bombay, Karachi, Poona and Madras.

4. Daily allowance is not admissible for any period by which the halt is extended beyond the time necessitated by an enquiry under the Act.

5. *Railway Fares.*—1½ second class single fares are admissible for a journey performed by rail.

THE NATIONAL SERVICE (EUROPEAN BRITISH SUBJECTS) ACT, 1940  
(XVIII OF 1940)—*contd.*

6. *Steamer Fares*.— $1\frac{1}{2}$  second class single fares, exclusive of the cost of meals, are admissible for a journey performed by steamer. Provided that if a journey is performed by rail or steamer by a class lower than the second class,  $1\frac{1}{2}$  fares by the class in which the journey is performed are admissible.

7. *Road Mileage*.—For the purpose of calculating road mileage a journey to or from a place of enquiry, or a place visited in the course of an enquiry, will be considered to begin or end at the place at which the enquiry is held, or at the place visited for the purpose of the enquiry.

8 Mileage at the rate of 0-1-0 a mile is admissible for journeys performed by road.

9 Travelling allowance for a journey is admissible as for a journey performed by the cheapest practical route, irrespective of the method by which a journey is performed.

10. The competent authority may issue to any person called up a warrant exchangeable for a Railway or Steamer ticket.

11. When a person called up performs any part of a journey on a warrant, the cost of the Railway or Steamer tickets for which the warrant is exchanged shall be deducted from the travelling allowance admissible to such person.

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SCHEDULE III.

(SEE RULE 6.)

*Form of claim by conscientious objector.*

I.....at present residing at.....  
and employed as.....having received  
preliminary notice dated.....conscientiously object  
calling-up notice to performing military service and hereby request that my claim for  
exemption from liability to be called up for such service may be  
considered.

Signed.....

Dated.....

THE NATIONAL SERVICE (EUROPEAN  
(XVIII OF 1

SUBJECTS) Act, 1910.

In exercise of the powers conferred by section 4 of the National Service (European British Subjects) Act, 1910, I hereby direct that you are called up for national service from the 1st day of January 1914 at the following place and class travelling allowance

1914 at.....  
class travelling allowance

Dated.

the.....1914

SCHEDULE V.

(SEE RULE 7.)

*Form of calling-up notice for service in a civilian capacity.*

I, in exercise of the powers conferred on me by sub-section (1) of section 4 of the National Service (European British Subjects) Act, 1910, I hereby direct that you are called up for service in a civilian capacity under the Crown and I direct and require you to report yourself to.....for duty under.....at.....on.....1914  
at.....  
A. M.  
P. M.

2. The following Terms of Service have been fixed by me in accordance with rules 8 to 12 of the National Service (European British Subjects) Rules, 1910.

1. Pay.....
2. Allowance (if any) .....
3. Provident Fund (if any) .....
4. Leave .....
5. Travelling allowance .....
6. Other concessions (if any) .....

Officer Commanding,

District.  
Area

Dated.....the.....1914

THE NATIONAL SERVICE (EUROPEAN BRITISH SUBJECTS) ACT, 1910  
(XVIII OF 1910)—*concl'd.*

## SCHEDULE VI.

(SEE RULE 13)

*Form of appeal to be used by an employer.*

1. Name and address of mercantile concern.....
  2. Name and address of owner or Managing Agent.....
  3. Name of Manager .. .. .
  4. Industry in which engaged .. .. .
  5. Details of personnel called up.....  
(including trade to which personnel belongs)
  6. Brief particulars of order appealed against.....
  7. Grounds of appeal .. .. .
- Signature of appellant .. .. .

Dated.....

## SCHEDULE VII.

(SEE RULE 13.)

*Form of appeal to be used by a person called up for national service.*

1. Name .. .. .
  2. Father's name .. .. .
  3. Address .. .. .
  4. Date of birth .. .. .
  5. If married, number of dependents .. .. .
  6. Occupation .. .. .
  7. Number of years of experience in such occupation.....  
.....
  8. National service to which assigned .. .. .
  9. \*Pay and terms of service fixed by competent authority.....  
.....
  10. \*Pay and terms of service enjoyed in previous employment.....  
.....
  11. Brief particulars of order appealed against.....
  12. Grounds of appeal .. .. .
- Signature of appellant .. .. .

Dated.....

[*Gazette of India*, 1940, Extraordinary, p. 475.]

\* To be filled in only in appeals under section 7B of the Act.





# LEGISLATION AND ORDERS RELATING TO THE WAR.

## PART VIII.

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### Rules and Orders under Ordinances.

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940).

*E. A. Dept., No. 119-N., dated the 16th July, 1940.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No. II of 1940), shall apply to British Baluchistan.

[*Gazette of India*, 1940, Pt. I, p. 1020.]

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*E. A. Dept., No. 140-N., dated the 11th September, 1940*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the National Service (Technical Personnel) Amendment Ordinance, 1940 (Ordinance No. XI of 1940), shall apply to British Baluchistan.

[*Gazette of India*, 1940, Pt. I, p. 1308.]

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*E. A. Dept., No. 20-W., dated the 10th February, 1942*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the National Service (Technical Personnel) Amendment Ordinance, 1942 (Ordinance No. VI of 1942), shall apply to British Baluchistan.

[*Gazette of India*, 1942, Pt. I, p. 312.]

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*Labour Dept., No. T. R. C.-I, dated the 11th March, 1942.*—In exercise



THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

1940, the Central Government is pleased to declare the factories specified in the Schedule hereto annexed to be factories engaged on work of national importance.

## SCHEDULE.

*Ajmer-Merwara.*

1. Bombay, Baroda and Central India Railway—
  - (a) Carriage and Wagon Shops, Ajmer.
  - (b) Loco. Shops, Ajmer.
  - (c) Power House, Ajmer.

*Province of Assam.*

2. Assam Oil Company's—
  - (a) Field Workshop, Digboi.
  - (b) Motor Repairing Workshop, Digboi.
  - (c) Oil Installation, Tinsukia.
  - (d) Petroleum Refinery, Digboi.

*Province of Bengal.*

3. Alkali and Chemical Corporation of India, Limited, Rishra Works, Rishra, Hooghly.
4. Allen Berry and Company's Works, 62, Hazra Road, Ballygunge, Calcutta.
5. Aluminium Manufacturing Company, Limited, 2, Jessore Road, Dum Dum, 24-Parganas.
6. Angus Engineering Works, Bhadreswar, Angus, Hooghly District.
7. Asbestos Cement Company's Works, Taratolla Road, P. O. Garden Reach.
8. Assam-Bengal Railway—
  - (a) Electric Power House, Pahartali P. O.
  - (b) General Electric Repair Shop, Pahartali P. O.
  - (c) Locomotive Carriage and Wagon Shop, Pahartali P. O.
9. Bengal Nagpur Railway—
  - (a) Electric Battery House, Santragachi.
  - (b) Lame Engineering Works, Southside, Kharagpur.
  - (c) Locomotive Shed Workshop, Kharagpur.
  - (d) Marine Workshop, Shahmar, Sibpur P. O.

**THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940**  
**(II OF 1940)—contd.**

- (c) Santragachi Loco. Shed, Santragachi.
- (f) Workshop (Carriage Section), Kharagpur.
- (g) Workshop (Electrical Section), Kharagpur.
- (h) Workshop (Locomotive Section), Kharagpur.
- (i) Workshop (Wagon Section), Kharagpur.
- 10. Braithwaite and Company (India), Limited, Clive Works, Hide Road, Kidderpore, Calcutta.
- 11. Bridge and Roof Company's Structural Works, 422, Grand Trunk Road, Howrah.
- 12. Britannia Engineering Works, Titaghur, Bengal.
- 13. British India Electric Construction Works, 6, Mayurbhanj Road, Kidderpore.
- 14. Burn and Company, Limited, Howrah Iron Works, Howrah, Bengal.
- 15. Calcutta Port Commissioners'—
  - (a) Island Workshops, Island Workshop Dock Entrance, No. 14 Berth, Kidderpore P. O.
  - (b) North Workshop, 6/1, Garden Reach Road, Kidderpore P. O.
  - (c) South Workshops, 8, Garden Reach Road, Kidderpore.
- 16. Calcutta Tramway Company's Nonapukur Power Station and Workshop, 183 and 184, Lower Circular Road, Calcutta.
- 17. Dunlop Rubber Company (India), Limited, P. O. Sahagunj, District Hooghly, Bengal.
- 18. Ford Motor Company of India Limited, 110/1, Russa Road, North, Elgin Road Post Office.
- 19. G. T. R. Company's Engineering Works, 37, Dum Dum Road, Ghughudanga, Calcutta.
- 20. Gresham and Craven (India), Limited, 22, Gobra Road, Entally, Calcutta.
- 21. Guest, Keen, Williams, Limited, Railway Appliance Works, 97, Andul Road, Howrah, Bengal.
- 22. Hooghly Docking and Engineering Company's Workshop, 6, Howrah Road, Salkia P.O., Howrah.
- 23. Hukumechand Electric Steel Works, 8, Swinhoe Street, Ballygunge.
- 24. India Electric Works, 25, Dr. Suresh Sirkar Road, Entally, Calcutta.
- 25. Indian Galvanizing Works, 4/2 Goho Road, Ghosery, Howrah.
- 26. India General Navigation and Railway Company, Limited, 44, Garden Reach, Calcutta.

**THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1910  
(II of 1910)—*contd.***

27. Indian Iron and Steel Company's Hirapur Works, Burnpore (Asansol).

28. Indian Malleable Castings, Limited, 44, Mahesh Mukherjee Road, Belgharia, 24-Parganas.

29. Indian Oxygen and Acetylene Company, Limited, 48, Diamond Harbour Road, Calcutta (P. O. Alipore).

30. Indian Standard Wagon Company's Santa Works, Asansol, Burnpur Post Office, Bengal.

31. The Indian Tube Company, Limited, No. 1, Foreshore Road, Shalimar, Howrah.

32. Jas. Alexander and Company's Engineering Works, 15, Wat-gunge Street, Kidderpore, Calcutta.

33. Jessop and Company, Limited—

(a) Dum Dum Mechanical Works, 11, Jessore Road, Dum Dum Cantonment, Bengal.

(b) Dum Dum Structural Works, North Barrack Road, Dum Dum Cantonment.

(c) Dum Dum Wagon Works, 11, Jessore Road, Dum Dum Cantonment.

34. Macneill and Company's Garden Reach Workshop, 43/46, Garden Reach, 24-Parganas.

35. A. & J. Main Limited's Structural Works, 151, Andul Road, Botanic Garden P. O., Sibpur, Howrah.

36. Maya Engineering Works, 23, Russa Road, South, Tollygunge, Calcutta.

37. Metal Box Company of India, Limited, B-2, Hide Road, Kidderpore, Calcutta.

38. Port Engineering Works, Nazirgunj, Howrah, Bengal.

39. Saxby and Farmer's Railway Signal Works, 17, Convent Road, Entally, Calcutta.

40. Shalimar Works, 63, Foreshore Road, Sibpur, Howrah.

41. Steel Corporation of Bengal's Napuria Works, Burnpore, Asansol.

42. J. Stone and Company (India) Limited, 5, Hide Road, Kidderpore (P. O. Dock Junction).

*Province of Bihar.*

43. Bengal Nagpur Railway—

(a) Adra Loco. Shed, Adra, Manbhum District.

(b) Adra Power House, Adra, Manbhum District.

(c) Adra Wagon Repair Shop, Adra, Manbhum District.

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1910  
(II OF 1910)—*contd.*

- (d) Anara Running Shed, Anara, Manbhum District.
- (e) Engineering Workshop, Adra, Manbhum District.
- (f) Loco. Running Shed, Bhojudih, Manbhum District.
- (g) Loco. Running Shed, Chakardharpur, Manbhum District.
- (h) Loco. Running Shed, Tatanagar.
- (i) Running Shed, Purulia, Manbhum District.

44. Bengal and North Western Railway—

- (a) Engineering Workshop, Mokamehghat, Patna District.
- (b) Muzaffarpur Running Shed, Muzaffarpur.
- (c) Running Shed, Sonapore.
- (d) Workshop, Barauni Junction.
- (e) Workshop, Samastipur.

45. Eagle Rolling Mills, Kumardhubi (E. I Railway).

46. Kumardhubi Engineering Works, Kumardhubi (East Indian Railway)

47. Kumardhubi Fireclay and Silica Works, Kumardhubi (East Indian Railway).

48. Indian Cable Company, P. O. Tatanagar, Bengal Nagpur Railway.

49. Indian Oxygen and Acetylene Company, Limited, Jamshedpur.

50. Indian Steel Wire Products Limited, Tatanagar.

51. Sijua (Jherra) Electric Supply Company's Power Station, Bansjora, Manbhum District, Bihar.

52. Tata Iron and Steel Company's Works, Jamshedpur.

53. Tinsplate Company of India Limited, Golmuri, Jamshedpur.

*Province of Bombay.*

54. Acme Manufacturing Company, Limited, 26, Sleater Road, Bombay 7.

55. Alcock, Ashdown and Company, Limited, Defence Works, Mazagon, Bombay.

56. Asbestos Cement Company's Works, Mulund, Thana District.

57. B. H. S. T. Company Limited's Workshop, Tramway Works, Dadar, Bombay.

58. Bhagat and Sons, Structural Steel Works, Sewri, Fort Road, Bombay.

**THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.***

**59. Bombay, Baroda and Central India Railway—**

- (a) Carriage and Wagon Workshop, Mahaluxmi, Bombay.
- (b) Electric Car Shed, Bombay Central.
- (c) Electric Workshop, Bombay Central.
- (d) Electrical Workshops, Dohad.
- (e) Engine Shed, Parel, Bombay.
- (f) Engineering Repair Workshop, Lower Parel Station, Bombay.
- (g) Loco. Carriage and Wagon Shop, Ahmedabad.
- (h) Locomotive Workshops, Dohad.
- (i) Running Shed, Bandra.
- (j) Running Shed, Bulsar.
- (k) Running Shed, Kankaria.
- (l) Signalling and Engineering Works, Mahaluxmi, Bombay.

**60. Bombay Port Trust Workshops, Clarke Bunder, Mazagon.**

**61. Bombay Telephone Company's Workshop, Agripada Gell Street, Bombay.**

**62. Colaba Bus Garage (B. E. S. T. Co. Ltd.), Colaba, Bombay.**

**63. Connaught Iron Works, Clarke Road, Pais Street, Byculla, Bombay.**

**64. Cooper Engineering Limited, Satara Road, Satara.**

**65. Crown Aluminium Works, Kalachowki, Parel, Bombay.**

**66. Dun Aluminium Factory, 107-109, Tardeo Road, Bombay 7.**

**67. Eastern Chemical Company Limited's Works, Bombay.**

**68. Electric Fan and Motor Works, Victoria Road, Mazagon, Bombay.**

**69. The Empress Iron and Brass Works, Parel, Bombay.**

**70. Firestone Tyre and Rubber Company of India Limited, Hay Bunder Road, Sewri, Bombay.**

**71. Ford Motor Company of India Limited, Swadeshi Mill Compound, Charni Road, Bombay.**

**72. Garlick Engineering Works, Jacob Circle, Bombay.**

**73. General Motors (India), Limited, Fosbery Road, Sewri, Bombay District.**

**74. Godrej and Boyce Manufacturing Company Limited, Lalbaug, Parel, Bombay.**

**75. Hattersley Hindustan Engineering Company, Limited, 374/376, Arthur Road, Bombay.**



THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

76. Imperial Chemical Industries (India) Limited, Dyes Mixing Factory, Bombay.

77. Indian Oxygen and Acetylene Company, Limited, Byculla Bridge, Bombay.

78. Indian Smelting and Refining Company, Limited, 101, Sion Road, Sion, Bombay.

79. Indian Standard Metal Company, Limited, 156G, Shroff Wadi, Mazagon, Bombay 10.

80. Indian Tool Manufacturers, Limited, 101, Sion Road, Sion, Bombay.

81. Indian Vegetable Products Limited, Junction of Connaught Cross Road and Reay Road, Bombay.

82. Madras and Southern Mahratta Railway—

(a) Castle Rock Running Shed, Castle Rock.

(b) Locomotive Shed, Gadag.

(c) Loco. Running Shed, Ghorpuri.

(d) Running Shed, Hubli.

(e) Train Lighting Workshop, Hubli.

(f) Workshop, Hubli.

83. Mazagon Dock Limited, Mazagon, Bombay.

84. McKenzies Limited, Saw Mill, Sewri, Bombay.

85. Metal Box Company of India, Limited, Worli, Bombay.

86. The Metal Rolling Works, 104, Sion Matunga Estate, Sion (G. I. P.), Bombay.

87. Mukund Iron and Steel Works Limited, Signal Hill Avenue, Mazagon, Bombay.

88. The National Radio and Engineering Company Works, Mahaluxmi, Bombay 11.

89. Orient Metal Pressing Works, Mahaluxmi Bridge, Bombay 11.

90. Richardson and Cruddas, Byculla Iron Works, Parel Road, Bombay.

91. Shaparia Iron and Steel Works Limited, Cross Lane, Parel, Bombay.

92. Sunderdas Saw Mills, Reay Road, Bombay.

93. E. Wimbridge and Company, 16, Sleater Road, Bombay.

94. Wolverhampton Works Company, Limited, Worli, Bombay.

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1910  
(II OF 1910)—*contd.*

*Central Provinces and Berar.*

95. Bengal Nagpur Railway Repairs Workshop.

96. District Loco. and Carriage Superintendent, Bengal Nagpur Railway, Engineering Workshop, Bilaspur.

*Delhi Province.*

97. The Ganesh Flour Mills Company, Limited, Subzimandi, Delhi.

*Province of Madras.*

98. Bengal Nagpur Railway Locomotive Running Shed, Waltair.

99. Ford Motor Company of India Limited, Mount Road, Madras.

100. Madras Port Trust Workshops, Madras Harbour.

101. Madras and Southern Mahratta Railway—

(a) Engineering Workshops, Arkonam.

(b) Loco. and Carriage Repairing Shed, Bitragunta.

(c) Loco. and Carriage Repairing Shed, Rajamundry.

(d) Locomotive Repairing Shed, Bezwada.

(e) Loco. Running Shed, Arkonam.

(f) Loco. Running Shed, Donakonda.

(g) Loco. Running Shed, Gooty.

(h) Loco. Running Shed, Guntakal.

(i) Loco. Running Shed, Jalarpet.

(j) Loco. Running Shed, Pakala.

(k) Running Shed, Basin Bridge.

(l) Signal Works, Royapuram, Madras.

102. P. Orr. and Son's Workshop, Mount Road, Madras.

103. Richardson and Cruddas Workshop, Royapuram, Madras.

104. South Indian Railway—

(a) Car Shed, Tambaram.

(b) Loco. and Carriage Workshops, Madura.

(c) Loco. Repair Shop, Coonoor.

(d) Marine Workshop and Dry Dock, Mandapam.

(e) Telegraph Workshop, Trichinopoly.

(f) Workshops, Erode.

(g) Workshops, Trichinopoly.

(h) Workshops, Villupuram.

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.**Province of Orissa.*

105. Bengal Nagpur Railway—  
(a) Loco. Shed, Jharsuguda.  
(b) Engine Shed, Khurda Road.

*Province of the Punjab.*

106. Attock Oil Company Limited, Oil Installations and Refinery, Morgha, Rawalpindi.  
107. Bombay, Baroda and Central India Railway Workshop, Sirsa.  
108. Devi Chand Khanna Saw Mills, Ravi Park, Lahore.  
109. The Ganesh Flour Mills Company, Limited, Lyallpur.  
110. Indian Oxygen and Acetylene Company, Limited, Grand Trunk Road, Lahore.

*Province of Sind.*

111. B. R. Herman and Mohatta Limited, Vulcan Iron Works, Wood Street, Karachi.  
112. Karachi Port Trust—  
(a) Engineering Workshop, Manora.  
(b) Erskine Wharf Power Station, Keamari.

*The United Provinces.*

113. Brushware Limited, The Mall, Cawnpore.  
114. Cawnpore Electric Supply Corporation Limited, Workshop and Transformer Station, Cawnpore.  
115. Bengal and North Western Railway—  
(a) Loco. Carriage and Wagon Workshop, Gorakhpur.  
(b) Running Shed, Baragaon, Gonda.  
(c) Running Shed, Gorakhpur.  
(d) Running Shed, Benares Cantonment.  
116. Rohilkund and Kumaon Railway—  
(a) Locomotives, Carriage and Wagon Workshop, Izatnagar, Bareilly.  
(b) Loco Running Shed, Charbagh, Lucknow.

[*Gazette of India*, 1941, Pt. I, p. 537.]

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

*Labour Dept., No. T. R. B.-24, dated the 22nd August, 1941.*—In exercise of the powers conferred by sub-section (1) of section 4 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No. II of 1940), the Central Government is pleased to declare the factories specified in the Schedule hereto annexed to be factories engaged on work of national importance.

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SCHEDULE

*Province of Bengal.*

1. Bengal Telephone Corporation Ltd.'s Repair Factory, 146, Chittaranjan Avenue, Calcutta.
2. Britannia Building and Iron Co., Ltd.'s Workshop, 287, Grand Trunk Road, Salkia, Howrah.
3. Britannia Building and Iron Co., Ltd.'s Wood Working and Veneer Slicing Factory, 13, Canal Street, Entally, 24-Parganas.
4. Gariahat Engineering Works, 26, Satya Doctor Road, Kidderpore
5. Indian Iron and Steel Co., Ltd.'s Kulti Iron Works, Kulti.
6. India Electrical Manufacturing Co., Ltd., Taratalla Road, Garden Reach P. O., Calcutta.
7. Jay Engineering Works, Ltd., 183/A, Prince Anwar Shah Road, P. O. Dhakuria, 24-Parganas.
8. J. N. Sharma and Sons, Manufacturers and Engineers, 74, Barrackpore Trunk Road, Calcutta.
9. J. N. Sharma and Sons, Manufacturers and Engineers, 20/1 Shalimar Road, Shalimar House, Howrah.

*Province of Bihar.*

10. Bararee Coke Works and Bye-Product Works, P. O. Kusunda.

*Province of Bombay.*

11. Bombay Steam Navigation Co., Ltd.'s Workshops, Patent Slip, Mazagon, Bombay.
12. A Hyland Ltd., Automobile Engineers, Hughes Road, Bombay.
13. Noble Steel Products Ltd., 37, Parel Road, Cross Lane, Bombay
14. Richardson and Cruddas, Branch Works, Nesbit Road, Mazagon, Bombay.

*Province of Madras.*

15. Madras Southern Mahratta Railway Workshops, Perambur.
16. Simpson and Co., 203, Mount Road, Madras.

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1910  
(II OF 1910)—*contd.*

*Province of Sind.*

17. Carstairs and Cumming, Ltd., Wood Street, Karachi.
18. Karachi Engineering Works and Foundry, Keamari.

*The United Provinces.*

19. Cooper, Allen and Co., Army Boot and Equipment Factory, Cawnpore.
20. Cawnpore Chemical Works, Ltd., Anwar Ganj, Cawnpore.
21. Singh Engineering Works, Cawnpore.

[*Gazette of India*, 1911, Pt. I, p. 1233.]

*Labour Dept., No. T. R. B.-24, dated the 25th August 1911.*—In exercise of the powers conferred by sub-section (I) of section 4 read with section 20 of the National Service (Technical Personnel) Ordinance, 1910 (Ordinance No. II of 1910), the Central Government is pleased to declare the undermentioned mines to be mines engaged on work of national importance :—

1. Bararee Colliery,  
P. O. Jealgora,  
District Manbhum (Bihar).  
(Managing Agents—Jardine Skinner & Co.)
  2. South Bulliari/Kendwadiah Colliery,  
P. O. Kusunda,  
District Manbhum (Bihar).  
(Managing Agents—Jardine Skinner & Co.)
- [*Gazette of India*, 1911, Pt. I, p. 1240]

*Labour Dept., No. T. R. B.-24, dated the 25th September, 1911*—In exercise of the powers conferred by sub-section (I) of section 4 of the National Service (Technical Personnel) Ordinance, 1910 (Ordinance No II of 1910), the Central Government is pleased to declare the factories specified in the Schedule hereto annexed to be factories engaged on work of national importance.

SCHEDULE.

*Province of Bengal.*

1. Bengal Chemical and Pharmaceutical Works, Ltd., 16, Maniktola Main Road, Calcutta.
2. Bengal Chemical and Pharmaceutical Works, Ltd., Panihati, 21-Parganas.
3. D. Waldie and Co., Ltd., Konnagar, Hooghly (E. I. Railway).

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

*Province of Bihar.*

4. Arthur Butler and Company (Mozufferpore), Ltd., Engineering Works, Muzaffarpur.

*Province of Bombay.*

5. Bengal Chemical and Pharmaceutical Works, Ltd., Cadell Road, Bombay.

6. Crompton Parkinson (Works), Ltd., Haines Road, Worli, Bombay 18.

7. Featherstone, Cozens and Co., Ltd., Sone Bagh, Chakala Village, Andheri, Bombay.

*Province of Central Provinces and Berar.*

8. Jubbulpore Electric Supply Co., Ltd., Jubbulpore.

[*Gazette of India*, 1941, Pt. I, p. 1418.]

*Labour Dept., No. T. R. (C)/1, dated the 9th December, 1941.*—In exercise of the powers conferred by section 18 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No. II of 1940), and in supersession of the notifications of the Government of India in the Department of Labour, No. T. R. 1, dated the 29th May and 3rd July 1941, No. T. R. B.-1, dated the 16th August and 20th September 1941, and No. T. R. (B)-1, dated the 21st October, 1941, the Central Government is pleased to direct that persons normally employed in the capacities specified below shall be deemed to be technical personnel for the purposes of the said Ordinance, namely :—

*Managerial Staff.*

- (1) Chemists (industrial, metallurgical, analytical and technical research).
- (2) Electrical Engineers.

*Supervisory Staff.*

- (1) Chemical Process Foremen.
- (2) Master Tailors and Master Cutters.
- (3) Supervisors.
- (4) Viewers.
- (5) Works Chemists.

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

*Skilled and Semi-skilled Trades.*

- (1) Beater Mistries (Paper Mill).
- (2) Chemical Assistants (Analysts).
- (3) Chemical Process Workers.
- (4) Curriers.
- (5) Engine Drivers (Steam and Diesel Oil).
- (6) Estimators.
- (7) Fillers (Brushware).
- (8) Lead Burners.
- (9) Machine Mistries (Paper Mill).
- (10) Millwrights.
- (11) Motor Mechanics.
- (12) Photo-Litho Operators.
- (13) Process Photographers.
- (14) Progressmen, Routers or Chasers.
- (15) Rate Fixers.
- (16) Saddlers.
- (17) Slotters.
- (18) Surveyors.
- (19) Tanners.
- (20) Tool Hardeners.
- (21) Upholsterers.
- (22) Wheelers.
- (23) Wood Machinists.

[*Gazette of India*, 1941, Pt. I, p. 1810.]

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*Labour Dept., No. T. R. (C)/1, dated the 26th December, 1941.*—In exercise of the powers conferred by section 18 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No. II of 1940), the Central Government is pleased to direct that persons normally employed in the capacity specified below shall be deemed to be technical personnel for the purposes of the said Ordinance, namely :—

Overscers.

[*Gazette of India*, 1942, Pt. I, p. 77.]

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

*Labour Dept., No. T. R. (C)/1, dated the 18th March, 1942.*—In exercise of the powers conferred by section 18 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No. II of 1940), the Central Government is pleased to direct that persons normally employed in the capacities specified below shall be deemed to be technical personnel for the purposes of the said Ordinance, namely :—

*Skilled and Semi-skilled Trades and Occupations.*

- (1) Draughtsmen (litho, stone and zinc).
- (2) Litho Machine Feeders (layers on).
- (3) Negative Retouchers (photo writers).
- (4) Photographers (wet and dry).
- (5) Helio and Vandyke printers.

[*Gazette of India*, 1942, Pt. I, p. 609.]

*Labour Dept., No. T. R. (C)/1, dated the 26th March, 1942.*—In exercise of the powers conferred by section 18 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No. II of 1940), the Central Government is pleased to direct that persons normally employed in the capacities specified below shall be deemed to be technical personnel for the purposes of the said Ordinance, namely :—

*Skilled and Semi-skilled Trades and Occupations.*

- |   |   |  |
|---|---|--|
| <ol style="list-style-type: none"> <li>(1) Chambermen</li> <li>(2) Coolermen</li> <li>(3) Drillers and Driller's helpers</li> <li>(4) Gaugers</li> <li>(5) Pump-house Attendants</li> <li>(6) Stovemmen</li> <li>(7) Tank Dippers</li> <li>(8) Water pump Attendants</li> <li>(9) Well Pullers</li> <li>(10) Well Scrapers</li> </ol> | } | employed on oilfields and at refineries. |
|---|---|--|

[*Gazette of India*, 1942, Pt. I, p. 652]



THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) RULES.

CONTENTS.

1. Short title and extent.
2. Definitions.
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4. Procedure for requiring release of personnel or directing personnel to undertake employment in the national service.
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7. Leave.
- 7A. Free accommodation, medical attention, etc.
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9. Pay and allowances in transit.
- 9A. Payment of travelling expenses on termination of employment in the national service.
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- 12B. Dispensing with notice under section 13 (3) in certain cases.
- 12C. Control under section 13 (4).
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16. Form of order under section 13.
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- 16B. Refixation of wages of technical personnel to whom permission to leave employment is refused.
17. Accounts to be kept by Tribunals.
18. General.
19. Delegation of powers to Chairman of Tribunal.

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

*Labour Dept., No. T.R.-2, dated the 29th June, 1940.*—In exercise of the powers conferred by section 19 of the National Service (Technical Personnel) Ordinance, 1940, the Central Government is pleased to make the following rules, namely :—

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) RULES.

1. <sup>1</sup>[(1)] These Rules may be called the National Service (Technical Personnel) Rules, 1940.

<sup>1</sup>[(2) They extend to the whole of British India including British Baluchistan.]

2. In these Rules, unless there is anything repugnant in the subject or context,—

- (a) “appeal” means an appeal under section 9 or Rule 10;
- (b) “section” means a section of the Ordinance;
- (c) “form” means a form set out in the appendix to these Rules;
- (d) “Ordinance” means the National Service (Technical Personnel) Ordinance, 1940.

3. (1) A Tribunal may call upon the owners or managers of any or all industrial undertakings within its jurisdiction—

- (a) to furnish such particulars of the technical personnel in the employ of those undertakings and within such time as the Tribunal may specify; and
- (b) to register in Form A all persons belonging to the managerial or supervisory grades of technical personnel described in the Schedule within such time as the Tribunal may specify, and thereafter to report all changes in the particulars so registered as they occur.

Penalty for failure to comply with an order under this Rule—imprisonment which may extend to 6 months or fine which may extend to Rs. 1,000 or both.

(2) A Tribunal before whom any person is summoned to appear under section 6 shall pay to such person travelling expenses in accordance with the provisions of section 544 of the Code of Criminal Procedure, 1898, as if the Tribunal were a Criminal Court.

<sup>2</sup>[3A. (1) No person shall be authorized by a Tribunal to enter upon premises occupied by an industrial undertaking and test the technical skill of any persons in the employment of such undertaking unless the Tribunal has previously consulted the industrial undertaking with regard to the suitability of the person selected and given due weight to its views.

<sup>1</sup> Rule 1 was re-numbered sub-rule (1) and sub-rule (2) was inserted by Labour Department Notification No. T. R.-2, dated the 18th July 1940.

<sup>2</sup> Ins. Labour Department Notfn. No. T. R.-2, dated the 5th September, 1942.

Short title and extent

Definition

Collection of information by Tribunal and payment of travelling expenses of persons summoned to appear before Tribunal

Testing of technical skill of persons

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1910  
(II OF 1910)—*contd.*

(2) An industrial undertaking may during the consultation provided for in sub-rule (1) request that the tests referred to therein be carried out jointly by the person selected by the Tribunal and by a person belonging to the managerial or supervisory grades of technical personnel to be nominated by the undertaking, and any such request shall be complied with by the Tribunal.

(3) The Tribunal may pay to any person whom it may authorize to visit an industrial undertaking and test the technical skill of specified persons, travelling expenses on the same scale as that provided in the Province for the purposes of section 544 of the Code of Criminal Procedure, 1898.]

<sup>1</sup>[3B. (1) Any person who is directed by a Tribunal under clause (d) of sub-section (1) of section 7 to present himself at a specified place for interview or inquiry or submission to a test of his technical skill shall, if he is employed, be treated by his employer as if he were on duty during the period of his absence from work for such purpose and the employer shall make no deduction from his salary or wages on account of such absence.

Provided that where the period of such absence from work exceeds one day, the salary or wages for any period in excess of one day shall be paid by the Tribunal.

(2) The Tribunal shall pay to any person whom it may direct under clause (d) of sub-section (1) of section 7 to present himself at a specified place for interview, inquiry or submission to a test of his technical skill travelling expenses on the scale referred to in sub-rule (3) of rule 3A.

(3) All orders passed by a Tribunal under clause (d) of sub-section (1) of section 7 shall be issued in Form L and copies shall be forwarded to the industrial undertaking (if any) by which the persons who are to be present for interview, inquiry or test are employed.

Penalty for breach of sub-rule (1)—fine which may extend to Rs. 1,000 ]

4. (1) Before requiring the owner or manager of an industrial undertaking to release any technical personnel for employment in the national service <sup>2</sup>\*\*\* and before directing any such personnel to undertake such employment under <sup>1</sup>[clause (b) of sub-section (1) of section 7] the Tribunal shall hold a summary enquiry at which any objections which may be raised by the employer or by the person who is to be taken into employment in the national service shall be considered and briefly recorded :

<sup>3</sup>[Provided that in the case of unemployed technical personnel or personnel who are to be taken into employment in the national service

<sup>1</sup> Subs., Labour Department Notfn No. T. R. C.-2, dated the 18th March 1912.

<sup>2</sup> Words omitted, *ibid*

<sup>3</sup> Subs., Labour Dept Notfn. No. T. R.-2, dated the 19th September, 1910.

Persons  
undergoing  
test to be  
treated as on  
duty.

Procedure for  
requiring  
release of  
personnel or  
directing  
personnel  
to undertake  
employment  
in the national  
service.



THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

Payment of travelling expenses on termination of employment in the national service.

¶9A. ¶(1) The owner or manager of a notified factory, <sup>\*\*\*\*</sup> the head of a training establishment [or department under the Crown] in which any person taken into employment in the national service is employed at the time of the final termination of such employment, shall, if the local Tribunal or, as the case may be, the Central Government so directs, pay to such person travelling expenses to the original place of his employment, or if he was unemployed when first taken into employment in the national service, to his original place of residence, at such rates as may be fixed by the Tribunal or, as the case may be, the Central Government, having regard to his status and mode of life:

Provided that no travelling expenses shall be payable if the distance to such place of employment or place of residence does not exceed five miles.

Penalty for breach of this rule—fine which may extend to Rs. 1,000.]

¶(2) Any person who was employed at the time when he was directed to undertake employment in the national service, shall, on the final termination of such employment, be paid salary or wages for the period of transit for returning to his former employment, by the employer under whom he is employed at the time of such termination, at such rates as may be fixed in this behalf by the Tribunal or the Central Government, as the case may be.

Penalty for breach of this rule—fine which may extend to Rs. 1,000.]

Appeals against orders passed under Rules 5, 6, 7, 9A, 9, 9A and 16B. Report of orders under section 7 (1) (c).

10. An appeal shall lie to the Central Government against any order passed by a Tribunal under Rules 5, 6, ¶7, 7A, 9, ¶9A and 16B.]

¶10A. (1) Before issuing an order under clause (c) of sub-section (1) of section 7 a Tribunal shall report the nature of the personnel to be trained and the terms and conditions on which it is proposed to order the training to be undertaken to the Central Government and shall pass orders only after receiving the approval of that Government.

(2) Every requirement by a Tribunal under clause (c) of sub-section (1) of section 7 shall be made in Form C-II.]

Persons associated with a Tribunal in its deliberations.

11. The persons whom a Tribunal may decide to associate with it in its deliberations under ¶[sub-section (4)] of section 5 shall act in an advisory capacity only and shall <sup>1</sup>[if they are not servants of the Crown] be invited to attend sittings of the Tribunal only when matters with which they are particularly concerned are to be discussed.

<sup>1</sup> Ins., Labour Dept. Notfn. No. T. R. 2, dated the 5th September 1940.

<sup>2</sup> Re-numbered, Labour Dept. Notfn. No. T. R. C-2, dated the 18th March 1942.

<sup>3</sup> Words omitted. *Ibid.*

<sup>4</sup> *Id.*

<sup>5</sup> Sub., Labour Dept. Notfn. No. T. R.-2, dated the 5th September 1940.

<sup>6</sup> Sub., Labour Dept. Notfn. No. T. R. C-2, dated the 18th March 1942.

<sup>7</sup> Sub., Labour Dept. Notfn. No. T. R.-2, dated the 19th September 1940.

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

12. (1) The medical authority before whom a person selected for employment in the national service <sup>1\*\*\*</sup> may be ordered to appear under sub-section <sup>2</sup>(7) of section 5 <sup>3</sup>[or sub-section (4) of section 10] shall be the Civil Surgeon of the local area in which such person is employed or usually resides, or such other medical officer as the Central Government may by order in writing appoint for this purpose.

Authorities by whom medical examinations to be carried out.

(2) If any person who has been ordered to submit himself to be examined by the officer referred to in sub-rule (1) questions the decision of that officer, he may be ordered by the Tribunal <sup>4</sup>[or the Central Government, as the case may be,] to appear before a Civil Medical Board to be convened by the Provincial Government.

<sup>5</sup>[12A. No order shall be passed by a Tribunal under sub-section (2) of section 10A in respect of a notified factory unless the Tribunal is satisfied—

Orders under section 10A (2).

(a) that the person to be released wishes to be released and to undertake employment in His Majesty's Forces or in a civilian capacity outside India; and

(b) that the person's release will not cause any serious dislocation of other work of national importance.]

<sup>6</sup>[12B.] It shall not be necessary for the owner or manager of an industrial undertaking to give <sup>7</sup>... days previous notice in <sup>8</sup>... the Tribunal is satisfied <sup>9</sup>... with the provisions of that sub-section or that compliance with those provisions would be contrary to the public interest.]

Dispensing with notice

<sup>10</sup>[12C. A Tribunal may control under sub-section (4) of section 13 the engagement of technical personnel by industrial undertakings (including notified factories), by general order published in the press when the order is of general application, or by special order when the order is of special application, directing—

Control under section 13 (4).

(a) that no industrial undertaking shall offer employment to any class of technical personnel employed in notified factories, training establishments or offices or departments under the Crown except through and with the approval of the Tribunal;

(b) that no advertisement for technical personnel or any specified class thereof shall be issued or published in the press by any industrial undertaking or class of industrial undertakings except through or with the general or special approval of the Tribunal;

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

- (c) that no industrial undertaking other than a notified factory or training establishment shall engage technical personnel already in employment, on a higher wage than that drawn by the technical personnel in their existing employment, without the consent in writing of the Tribunal;
- (d) that no technical personnel or class of technical personnel, employed in notified factories, training establishments or offices or departments under the Crown shall seek or apply for employment elsewhere except with the previous sanction in writing of the Tribunal;
- (e) that the previous approval of the Tribunal shall be necessary for the engagement by any industrial undertaking other than a notified factory, training establishment or office or department under the Crown of such class or classes of technical personnel as may be specified;
- (f) that any industrial undertaking shall report to the Tribunal particulars of any technical personnel whom it may engage after a specified date in such form and within such period as the Tribunal may direct;
- (g) that with effect from a specified date any or all industrial undertakings shall issue to all or any specified classes of technical personnel discharged, dismissed or released by or from the undertaking or permitted by the Tribunal to leave their employment in such undertaking a service certificate in Form O, or if the employee is already in possession of such a certificate make such additions to the certificate as will bring it up-to-date.

Penalty for breach of an order issued under this rule—fine which may extend to Rs. 1,000.]

Procedure for  
submission of  
appeals.

13. (1) Every appeal shall be written in English in Form D or E, as the case may be, and sent within one month of the date of the order appealed against to the Secretary to the Government of India in the Department of Labour through the Tribunal concerned. In forwarding an appeal, the Tribunal shall enclose the proceedings <sup>1</sup>[or authenticated copies] of the case which gave rise to the appeal together with an explanation on each of the points raised by the appellant.

(2) The decision of the Central Government on all appeals will be conveyed to the Tribunal concerned which shall communicate it without delay to the appellants.

Registers.

<sup>1</sup>[14. Every notified factory, training establishment or office or department under the Crown shall keep a register in Form F of the technical personnel taken into its employment in the national service under clause (b) of sub-section (1) of section 7 or clause (b) of sub-section

<sup>1</sup> Subs., Labour Dept Notfn. No. T. R. C.-2, dated the 18th March 1942.

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd*

(1) of section 10 or transferred to it under clause (c) of sub-section (1) of section 7 or sub-section (2) of section 10.

Penalty for breach of this rule—fine which may extend to Rs. 1,000.

15. Every Tribunal shall maintain a Register in such form as it deems suitable of all technical personnel directed to undertake employment in the national service under clause (b) of sub-section (1) of section 7 or clause (b) of sub-section (1) of section 10 or transferred from one form or place of employment in the national service to another under clause (c) of sub-section (1) of section 7 or sub-section (2) of section 10, showing the trades or classes to which they belong, the industrial undertakings or departments or offices under the Crown by which they were released or from which they were transferred, the notified factories, training establishments or technical posts under the Crown in which they were directed to undertake employment or to which they were transferred, the terms of service fixed and the result of the appeals, if any.] Maintenance of registers by Tribunals.

16. <sup>1</sup>[(1)] Every order passed by a Tribunal under sub-section (1) of section 13 shall be issued in Form G. Form of order; under section 13.

<sup>2</sup>[(2) Every notice given to a Tribunal by an owner or manager of an industrial undertaking under sub-section (3) of section 13 shall be in Form M and, if the Tribunal so directs, all applications from technical personnel to leave their employment shall be submitted to it in Form N.]

<sup>3</sup>[16A. Every application for technical personnel made to a Tribunal or the Central Government under sub-section (2) of section 4 shall be submitted in Form K. Applications under section 4 (2).

16B. (1) If in considering under sub-section (2A) of section 13 the salary or wages of a person to whom permission to leave his employment has been refused, a Tribunal is satisfied that the salary or wages paid by the employer is less than the rate prevailing for technical personnel of such person's class in the locality concerned, it may increase the rate to such extent as will raise it to the prevailing rate, and if that rate is less than the amount which the person concerned would have received had he been permitted to leave his employment, and the Tribunal is satisfied that there exist special reasons for the higher rate so offered or obtainable, the Tribunal may further increase the rate to such an extent as it considers fair and reasonable: Refixation of wages of technical personnel to whom permission to leave employment is refused.

Provided that the total salary or wage so fixed shall not exceed the prevailing rate by more than ten per cent.

(2) In considering under the said sub-section the terms of service other than salary or wages of a person to whom permission to leave his employment has been refused, the Tribunal shall be guided by the general practice of the industry concerned, having due regard to local

<sup>1</sup> Re-numbered, Labour Dept. Notn. No. T. R. C.-2, dated the 15th March 1942.

<sup>2</sup> Ins. 117

<sup>3</sup> Suba. 112d



THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

conditions and the status of the person concerned, and may if necessary grant an allowance not exceeding ten per cent. of the salary or wages fixed under sub-rule (1) in lieu of any amenities which are usually provided by the industry but for which no facilities exist at the place where such person is employed.]

17. Every Tribunal shall keep accounts supported by vouchers of all moneys received and expended by it during each financial year.

[18. Before passing an order under sub-section (1) or (2) of section 10, the Central Government may, if it considers it necessary so to do, direct the local Tribunal to hold a summary enquiry, and thereupon the Tribunal shall hold such enquiry in accordance, as near as may be, with the provisions of sub-rules (1) and (2) of rule 4 and submit a report to the Central Government.]

[19. A Tribunal may delegate any or all of its powers to the Chairman with the exception of those vested in it under clauses (a), (b) and (c) of sub-section (1) of section 7, sections 8 and 10A, sub-section (2A) of section 13 and rules 4, 5, 6, 7, 7A, sub-rule (2) of rule 9, sub-rule (2) of rule 9A and rule 12B.]

Accounts to  
be kept by  
Tribunals.

General.

Delegation of  
powers to  
Chairman of  
Tribunal

NATIONAL SERVICE (TECHNICAL PERSONNEL) RULES,  
1940.

APPENDIX.

Form A.

(See Rule 3.)

Name of Industrial undertaking.....

Register of Managerial and Supervisory Personnel.

Name.	Age.	Apprenticeship Training			Technical Training			Practical Experience (in chronological order)				
		Name of work-shop	Department where employed	Time spent in such Department	School or College	Particulars of course.	Duration.	Name of Work-shop	Capacity in which employed.	Duration.	Pay.	Details of experience gained, nature of jobs dealt with.
1	2	3	4	5	6	7	8	9	10	11	12	13

<sup>1</sup> Subs., Labour Dept Notfn. No. T. R.-2, dated the 19th September 1940.

<sup>2</sup> Ins., Labour Dept. Notfn. No. T. R. C.-2, dated the 18th March 1942.



THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

<sup>11</sup> <sup>2</sup>THE NATIONAL SERVICE (TECHNICAL PERSONNEL) RULES, 1940.

## Form C.

*Order directing Technical Personnel to take up employment in the National Service.*

(See Section 7.)

In exercise of the powers conferred on us by clause (b) of sub-section (1) of Section 7 of the National Service (Technical Personnel) Ordinance, 1940, we do hereby direct and require you Mr..... son of.....

.....for duty in the said factory/establishment/post not later than the.....194.....

2. The following Terms of Service have been fixed by us in accordance with Rules 5 to 7 and 9 of the National Service (Technical Personnel) Rules, 1940.

(1) Salary or wages, including allowances, if any.....

(2) Provident Fund (if any) .....

(S) Leave.....

(4) Travelling allowance .....

(5) Salary or wages during transit . . . . .

(6) Other concessions (if any) ... ..

**NOTE**—Your attention is drawn to the proviso to sub-section (2) of section 11 of the Ordinance under which if on the termination of your employment in the National Service you do not apply to your present employer for re-instatement within a period of two months from the date of such termination, you will be liable to forfeit the right to re-instatement.

Chairman.

**National Service Labour Tribunal.**

Dated \_\_\_\_\_ the \_\_\_\_\_ 194\_\_\_\_\_

To

<sup>1</sup> Suba, Labour Dept. Notfin. No. T. R. C-2, dated the 18th March 1942.



THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II of 1940)—*contd.*

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) RULES, 1940.

**Form E.**

*Form of appeal to be used by Personnel taken into employment in the National Service.*

(See Section 9 and Rule 10)

1. Name .....
2. Father's name.....
3. Home address... ..
4. Date of birth .....
5. If married, number of dependants.....
6. Trade and grade or class in which included.....
7. Number of years experience in such trade.....
8. Industrial undertaking in which employed.....
9. Salary or Wages and terms of service fixed by Tribunal.....
10. Salary or Wages and terms of service enjoyed in previous employment .....
11. Brief particulars of order appealed against.....
12. Grounds of appeal.....

Place.....

Date..... Signature of appellant ]

<sup>1</sup> Subs, Labour Dept. Notfn No T. R. C 2, dated the 18th March 1942.



THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) RULES, 1940.

Form G.

*Order requiring industrial undertakings to post notices on their premises.*

(See Section 13.)

In exercise of the powers conferred on us by sub-section (I) of section 13 of the National Service (Technical Personnel) Ordinance, 1940, we do hereby require you the Owner/Manager of ..... being an industrial undertaking—

- (1) to post before the.....19.... and keep posted and maintain in a legible condition in the language generally spoken in the locality or/and .....
- (2) to read out the notice in the language generally spoken in the locality once in every month to all the persons working on the premises; and
- (3) to intimate the following address as the place to which applications to the Tribunal may be addressed :—

.....  
.....

.....

Chairman,  
National Service Labour Tribunal.

Dated .....the.....194....

To

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{ } \* Strike out if no form is provided by the Tribunal.

2. (1) Subject to any rules made in this behalf under section 19, a Tribunal may

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\* Subs., Labour Dept Notfn. No. T. R. C-2, dated the 18th March 1942.





THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

## [THE NATIONAL SERVICE (TECHNICAL PERSONNEL) RULES, 1940.]

## Form J.

## Notice of summary enquiry to Technical Personnel.

[See Rule 4(2).]

Mr.....son of.....  
 of.....by trade .....at  
 present employed in.....  
 is hereby informed that a summary enquiry will be held under sub-rule (1) of rule 4  
 of the National Service (Technical Personnel) Rules, 1940, at.....  
 .....A.M./ P.M. on the.....  
 19.....at.....to  
 determine whether he should be directed to undertake employment in the national  
service. transferred to another form place of employment in the national  
service.

If Mr.....has any objection to put forward  
 to being directed to undertake employment/being transferred, he should submit the  
 same to the Tribunal on or before the above mentioned date and may if he wishes it  
 appear before the Tribunal on that date at the time fixed, failing which, orders will be  
 passed, *ex-parte*.

Chairman,

National Service Labour Tribunal.

Dated .....the.....194. .

To

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<sup>1</sup> Sub., Labour Dept. Notfn. No. T. R. C-2, dated the 18th March 1942.



THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) RULES, 1940.

**Form L.**

*Order directing Technical Personnel to present themselves for interview, inquiry and submission to a test of their skill.*

(See Section 7 and Rule 3B)

In exercise of the powers conferred on us by clause (d) of sub-section (1) of Section 7 of the National Service (Technical Personnel) Ordinance, 1940, we do hereby direct and require you Mr.....son of.....of.....by trade.....to present yourself before.....at.....on the.....19.....at.....A M./P.M. for interview/inquiry and if required submit yourself to a test of your technical skill

2. You will be deemed to be on duty during the period of your absence from work for the purpose specified in paragraph 1 and will be entitled to receive your salary or wages from your employer for the period of your absence not exceeding one day and from the Tribunal for any period in excess of one day. You will also receive your travelling expenses from the Tribunal.

.....  
Chairman,

National Service Labour Tribunal.

Dated.....the.....19....

To

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.....

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THE NATIONAL SERVICE (TECHNICAL PERSONNEL) RULES, 1940.

**Form C-I.**

*Order transferring Technical Personnel from one form or place of employment in the National Service to another.*

(See Section 7.)

In exercise of the powers conferred by clause (c) of sub section (1) of section 7 of the National Service (Technical Personnel) Ordinance, 1940, we do hereby order that

establishment/post not later than the.....194.....

<sup>1</sup> Subs., Labour Dept. Notfn. No. T. R. C-2, dated the 18th March 1942.

<sup>2</sup> *Ins., ibid.*



THE NATIONAL SERVICE (TECHNICAL PERSONNEL) ORDINANCE, 1940  
(II OF 1940)—*contd.*

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) RULES, 1940.

**Form M.**

*Notice of discharge, dismissal or release of Technical Personnel.*

[See Section 13(3) and Rule 16.]

1. Name of personnel to be discharged, dismissed or released.....
  2. Address (permanent).....
  3. Address (temporary) .....
  4. Age.....
  - 5 Trade .....
  - 6 Rate of pay.....
  7. Work on which now actually engaged .....
  - 8 Name of industrial undertaking where employed.....
  9. Address of industrial undertaking.....
  10. Reasons for the dismissal, discharge or release.....
  11. Date from which discharge, dismissal or release is proposed to be given effect to.....
  - 12 Skill and capabilities of technical personnel.....
- (Please give sufficient indication to enable the Tribunal to judge to what extent the personnel may be suitable for employment in the National Service)

THE NATIONAL SERVICE (TECHNICAL PERSONNEL) RULES, 1940.

**Form N.**

*Application of Technical Personnel for permission to leave employment.*

[See Section 13(2) and Rule 16]

1. Applicant's name.....
2. Address (permanent).....
3. Address (temporary) .....
- 4 Age.....
- 5 Trade.....
6. Rate of pay.....
7. Name of industrial undertaking where employed.....
8. Address of the industrial undertaking.....
9. Reasons why applicant wishes to leave.....

*Note I.*—Applicants are advised to submit this application to the Tribunal through their employers, as this will save time.

*Note II*—Employers forwarding applications are requested—

- (1) to state on the reverse what objection, if any, they have to the grant of permission under section 13 (2) ;
- (2) to give sufficient details of the work on which the applicant is at present employed to indicate to what extent his services are essential or otherwise ; and
- (3) to indicate what degree of skill at his trade the applicant is considered to possess.



## THE CIVIC GUARDS ORDINANCE, 1940 (VIII of 1940.)

*E. A. Dept., No. 132-N., dated the 22nd August, 1940.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Civic Guards Ordinance, 1940 (Ordinance No. VIII of 1940), shall apply to British Baluchistan, subject to the following modification, namely:

In section 8, the words "The Provincial Government, or in any Chief Commissioner's Province other than British Baluchistan" shall be omitted.

[*Gazette of India*, 1940, Pt. I, p. 1229.]

## THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX of 1940).

*E. A. Dept., No. 136-N., dated the 3rd September, 1940.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the War Risks (Goods) Insurance Ordinance, 1940 (Ordinance No. IX of 1940), shall apply to British Baluchistan.

[*Gazette of India*, 1940, Pt. I, p. 1286.]

*E. A. Dept., No. 9-W, dated the 28th January, 1942.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the War Risks (Goods) Insurance (Amendment) Ordinance, 1941 (Ordinance No. XII of 1941), shall apply to British Baluchistan.

[*Gazette of India*, 1942, Pt. I, p. 202.]

*Commerce Dept., No. 10-W.R.I./40, dated the 14th September, 1940.*—In pursuance of sub-section (3) of section 175 of the Government of India Act, 1935, the Governor General in Council is pleased to authorise—

- (i) the Principal Officers in British India of all firms which are for the time being employed under Section 6 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as agents of the Central Government for the purposes of the said Ordinance, and
- (ii) all other persons in British India who by virtue of a general or special power of attorney are competent to execute contracts on behalf of any of the said firms,

to execute on behalf of the Governor General in Council any contracts or other documents for the purposes of the said Ordinance.

[*Gazette of India*, 1940, Pt. I, p. 1322.]





THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX OF 1940)—*contd.*

Insurance Ordinance, 1940 (No. IX of 1940), as applied to Upper Tanawal, an Excluded Area in the North West Frontier Province, the Central Government is pleased to appoint the thirty-first day of May, 1941, as the date on which the said Ordinance shall come into force in the said area.

[ *Gazette of India*, 1941, Pt. I, p. 780.]

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*Commerce Dept., No. 23-W. R. I./41, dated the 21st June, 1941.*—In pursuance of sub-section (3) of section 1 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to the partially excluded areas in Assam, the Central Government is pleased to appoint the twenty-first day of June, 1941, as the date on which the said Ordinance shall come into force in the said areas.

[ *Gazette of India*, 1941, Pt. I, p. 880.]

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*Commerce Dept., No. 27-W. R. I./41, dated the 28th June, 1941.*—In pursuance of sub-section (3) of section 1 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to the partially excluded areas of the Jaunsar Bawar Pargana of the Dehra Dun District and the portion of the Mirzapur District south of the Kaimur Range in the United Provinces, the Central Government is pleased to appoint the twenty-eighth day of June, 1941, as the date on which the said Ordinance shall come into force in the said areas.

[ *Gazette of India*, 1941, Pt. I, p. 917.]

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*Commerce Dept., No. 31-W. R. I./41, dated the 12th July, 1941.*—In pursuance of sub-section (3) of section 1 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to the excluded areas in the province of Bengal, the Central Government is pleased to appoint the thirtieth day of June, 1941, as the date on which the said Ordinance shall be deemed to have come into force in the said areas.

[ *Gazette of India*, 1941, Pt. I, p. 930.]

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*Commerce Dept., No. 14-W.R.I./40, dated the 1st October, 1940.*—In exercise of the powers conferred by the proviso to sub-section (2)

*Commerce Dept., No. 49-T. W. (2) 11, dated the 1st March, 1911.*—  
In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the War Risks (Goods) Insurance Ordinance, 1910 (No. IX of 1910), as applied to the Darjeeling District and to the partially excluded areas of the Mymensingh District, the Central Government is pleased to direct that the provisions of section 7 of the said Ordinance shall not operate so as to require a person to be insured in respect of any goods which in relation to that person would not, apart from the provisions of sub-section (2) of section 3 of the said Ordinance, be goods insurable under the said Ordinance.

[ *Gazette of India*, 1911, Pt. I, p. 337.]

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*Commerce Dept., No. 49-T. W. (18)/11, dated the 1st March, 1911.*—  
In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the War Risks (Goods) Insurance Ordinance, 1910 (No. IX of 1910), as applied to the Chota Nagpur Division and the district of Santal Parganas, the Central Government is pleased to direct that the provisions of section 7 of the said Ordinance shall not operate so as to require a person to be insured in respect of any goods which in relation to that person would not, apart from the provisions of sub-section (2) of section 3 of the said Ordinance, be goods insurable under the said Ordinance.

[ *Gazette of India*, 1911, Pt. I, p. 337.]

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*Commerce Dept., No. 49-T. W. (18)/41-2, dated the 26th April, 1911.*—  
In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the War Risks (Goods) Insurance Ordinance, 1910 (No. IX of 1910), as applied to the partially excluded areas in the Province of Madras, the Central Government is pleased to direct that the provisions of section 7 of the said Ordinance shall not operate so as to require

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX OF 1940)—*contd.*

a person to be insured in respect of any goods which in relation to that person would not, apart from the provisions of sub-section (2) of section 3 of the said Ordinance, be goods insurable under the said Ordinance.

[ *Gazette of India*, 1941, Pt. I, p. 604.]

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*Commerce Dept., No. 49-T. W. (18)/41-2, dated the 3rd May, 1941.*—In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to the partially excluded areas of the Province of Orissa, specified in Part II of the Schedule to the Government of India (Excluded and Partially Excluded Areas) Order, 1936, the Central Government is pleased to direct that the provisions of section 7 of the said Ordinance shall not operate so as to require a person to be insured in respect of any goods which in relation to that person would not, apart from the provisions of sub-section (2) of section 3 of the said Ordinance, be goods insurable under the said Ordinance.

[ *Gazette of India*, 1941, Pt. I, p. 636.]

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*Commerce Dept., No. 49-T. W. (18)/41-1, dated the 17th May, 1941.*—In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to the partially excluded areas in the Province of Bombay, the Central Government is pleased to direct that the provisions of section 7 of the said Ordinance shall not operate so as to require a person to be insured in respect of any goods which in relation to that person would not, apart from the provisions of sub-section (2) of section 3 of the said Ordinance, be goods insurable under the said Ordinance.

[ *Gazette of India*, 1941, Pt. I, p. 716.]

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*Commerce Dept., No. 49-T. W. (18)/41-2, dated the 31st May, 1941.*—In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to Upper Tanawal, an Excluded Area in the North West Frontier Province, the Central Government is pleased to direct that the provisions of section 7 of the said Ordinance shall not operate so as to require a person to be insured in respect of any goods which in relation to that person would not, apart from the provisions of sub-section (2) of section 3 of the said Ordinance, be goods insurable under the said Ordinance.

[ *Gazette of India*, 1941, Pt. I, p. 781.]

[ *Gazette of India*, 1911, Pt. I, p. 851.]

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*Commerce Dept., No. 25-W. R. I./11, dated the 21st June, 1911.*—  
In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the War Risks (Goods) Insurance Ordinance, 1910 (No. IX of 1910), as applied to the partially excluded areas in Assam, the Central Government is pleased to direct that the provisions of section 7 of the said Ordinance shall not operate so as to require a person to be insured in respect of any goods which in relation to that person would not, apart from the provisions of sub-section (2) of section 3 of the said Ordinance be goods insurable under the said Ordinance.

[ *Gazette of India*, 1911, Pt. I, p. 851.]

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*Commerce Dept., No. 29-W. R. I./11, dated the 28th June, 1911.*—  
In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the War Risks (Goods) Insurance Ordinance, 1910 (No. IX of 1910), as applied to the partially excluded areas of the Jaunsar Bawar Pargana of the Dehra Dun District and the portion of the Mirzapur District south of the Kaimur Range in the United Provinces, the Central Government is pleased to direct that the provisions of section 7 of the said Ordinance shall not operate so as to require a person to be insured in respect of any goods which in relation to that person would not, apart from the provisions of sub-section (2) of section 3 of the said Ordinance, be goods insurable under the said Ordinance.

[ *Gazette of India*, 1911, Pt. I, p. 918.]

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*Commerce Dept., No. 32-W. R. I./11, dated the 12th July, 1911.*—  
In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the War Risks (Goods) Insurance Ordinance, 1910 (No. IX of 1910), as applied to the excluded areas in the province of Bengal,

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910 (IX  
or 1910)—*contd.*

Rails, sleepers, fishplates and sole plates; tinplates, terne plates, black plates and silver finished plates;

Hoop and strip, hot or cold rolled, other than bright;

Tyres, axles and wheels, other than those held for the assembly of bicycles and motor vehicles or spare parts thereof;

Castings, blocks for forgings, blocks for pressings, forgings and stampings (except where wholly or partly machined) and pressings;

Colliery Arches and pit props;

Pipes, coated and uncoated, and hot finished tubes;

Assemblies of plates and sectional materials as component parts of structures

11 Gold, silver, platinum, palladium, iridium, rhodium, osmium and ruthenium and alloys thereof (in grain, ingot, bar, wire or powder).

12 Paintings in oil or water colours, pencil, ink and charcoal drawings and pastels on canvas or paper (including board) and hand-printed impressions taken from blocks, plates or like material, whether framed or unframed; and sculpture, whether in the round, in relief or in intaglio.

13 Postage stamps (intended for collection purposes) denoting a postal service or services, being marks or devices embossed or impressed or comprised in a label

14. Objects of art or craftsmanship being not less than one hundred years old.

15. Cement and cement clinker.

16. Lime.

17. Slates for roofing.

18. Pavement kerbs and setts of granite.\*

19. Ores, concentrates, drosses, and residues for smelting of aluminium, antimony, copper, lead, nickel, and zinc (or spelter), and drosses and residues of tin.

20. Scrap of the following metals and alloys thereof:—aluminium, antimony, copper, lead, nickel, tin and zinc (or spelter).

21. Copper, unwrought, whether refined or not, in ingots, bars, billets, wirebars, blocks, slabs, cakes, cathodes, anodes, and rods, and copper shot.

22. Aluminium, antimony, lead, nickel, tin and zinc (or spelter), unwrought, in ingots, pigs, blocks, cakes, bars and slabs

23. Lead in white lead stacks and chambers.



THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX OF 1940)—*contd.*

annexed to the notification of the Government of India in the Department of Commerce, <sup>1</sup>No. 13-W. R. I/41, dated the 26th April, 1941, shall, notwithstanding anything contained in the said section, be deemed not to be goods insurable under the said Ordinance

[ *Gazette of India*, 1941, Pt. I, p. 851.]

*Commerce Dept., No. 26-W. R. I/41, dated the 21st June, 1941.*—In exercise of the powers conferred by sub-section (4) of section 3 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to the partially excluded areas in Assam, the Central Government is pleased to direct that the goods specified in the Schedule annexed to the notification of the Government of India in the Department of Commerce, <sup>1</sup>No. 13-W. R. I/41, dated the 26th April, 1941, shall, notwithstanding anything contained in the said section, be deemed not to be goods insurable under the said Ordinance.

[ *Gazette of India*, 1941, Pt. I, p. 881.]

*Commerce Dept., No. 30-W. R. I/41, dated the 28th June, 1941.*—In exercise of the powers conferred by sub-section (4) of section 3 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to the partially excluded areas of the Jaunsar Bawar Pargana of the Dehra Dun District and the portion of the Mirzapur District south of the Kaimur Range in the United Provinces, the Central Government is pleased to direct that the goods specified in the Schedule annexed to the notification of the Government of India in the Department of Commerce, <sup>1</sup>No. 13-W. R. I/41, dated the 26th April, 1941, shall, notwithstanding anything contained in the said section, be deemed not to be goods insurable under the said Ordinance.

[ *Gazette of India*, 1941, Pt. I, p. 918.]

*Commerce Dept., No. 33-W. R. I/41, dated the 12th July, 1941.*—In exercise of the powers conferred by sub-section (4) of section 3 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to the excluded areas in the province of Bengal, the Central Government is pleased to direct that the goods specified in the Schedule annexed to the notification of the Government of India in the Department of Commerce, <sup>1</sup>No. 13-W. R. I/41, dated the 26th April, 1941, shall, notwithstanding anything contained in the said section, be deemed not to be goods insurable under the said Ordinance.

[ *Gazette of India*, 1941, Pt. I, p. 980.]

<sup>1</sup> *Supra* p. 164.





THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX OF 1940)  
—*contd.*

*The Schedule.*

1. Alliance Assurance Company, Limited.
2. American Insurance Company of Newark, N. J.
3. Atlas Assurance Company, Limited.
4. Baloise Fire Insurance Company.
5. Bankers' and Traders' Insurance Company, Limited, of Sydney.
6. Bombay Fire and General Insurance Company, Limited.
7. British America Assurance Company.
8. British and Foreign Marine Insurance Company, Limited.
9. British Crown Assurance Corporation, Limited.
10. British Equitable Assurance Company, Limited.
11. British Fire Insurance Company, Limited.
12. British General Insurance Company, Limited.
13. British India, General Insurance Company, Limited.
14. British Traders' Insurance Company, Limited.
15. Caledonian Insurance Company.
16. Canton Insurance Office, Limited.
17. Central Insurance Company, Limited.
18. Century Insurance Company, Limited.
19. China Fire Insurance Company, Limited.
20. Clive Insurance Company, Limited.
21. Commercial Union Assurance Company, Limited.
22. Concord of India Insurance Company, Limited.
23. Eagle Star Insurance Company, Limited.
24. Eastern Federal Union Insurance Company, Limited.
25. Eastern United Assurance Corporation, Limited.
26. Economic Insurance Company, Limited.
27. Employers' Liability Assurance Corporation, Limited.
28. Essex and Suffolk Equitable Insurance Society, Limited.
29. Fine Art and General Insurance Company, Limited.
- 29A. Free Indian General Insurance Company, Limited.]
30. General Accident, Fire and Life Assurance Corporation, Limited.
31. Great American Insurance Company.
32. Gresham Fire and Accident Insurance Society, Limited.

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<sup>1</sup>Ins., Commerce Dept., Notfn. No. 37-W. R. I./41, dated the 29th September, 1941.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX of 1940)  
—*contd.*

53. Guardian Assurance Company, Limited.
54. Hartford Fire Insurance Company, Limited, of Hartford.
55. Helvetia Swiss Fire Insurance Company of St. Gall.
56. Hercules Insurance Company, Limited.
57. Home Insurance Company.
58. Hong Kong Fire Insurance Company, Limited.
59. Hulamechand Insurance Company, Limited.
60. Indemnity Marine Assurance Company, Limited.
61. Indian Globe Insurance Company, Limited.
62. Indian Guarantee and General Insurance Company, Limited.
63. Indian Mercantile Insurance Company, Limited.
64. Insurance Office of Australia, Limited.
65. Java Sea and Fire Insurance Company, Limited.
66. Jupiter General Insurance Company, Limited.
67. Law Union and Rock Insurance Company, Limited.
68. Legal and General Assurance Society, Limited, of London.
69. Liverpool and London and Globe Insurance Company, Limited.
70. London Assurance (The).
71. London Guarantee and Accident Company, Limited.
72. London and Lancashire Insurance Company, Limited.
73. London and Provincial Marine and General Insurance Company, Limited.
74. London and Scottish Assurance Corporation, Limited.
75. Maritime Insurance Company, Limited.
76. Mercantile Fire Insurance Company of Canada.
77. Motor Union Insurance Company, Limited.
- [77-A. National Employers' Mutual General Insurance Association, Limited.]
78. National Fire and General Insurance Company, Limited.
79. National Insurance Company of Great Britain, Limited.
80. New India Assurance Company, Limited.
81. New Zealand Insurance Company, Limited.
82. North China Insurance Company, Limited.
83. Northern Assurance Company, Limited.
84. North British and Mercantile Insurance Company, Limited.

<sup>1</sup> Ins., Commerce Dept., Notfn No. 13 W. R. I./40, dated the 21st September, 1940.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX of 1940)  
—*contd.*

65. Norwich Union Fire Insurance Society, Limited.
66. Ocean Accident and Guarantee Corporation, Limited.
67. Ocean Marine Insurance Company, Limited.
68. Overseas Assurance Corporation, Limited.
69. Orient Insurance Company of Hartford, U. S. A.
70. Palatine Insurance Company, Limited.
71. Pandyan Insurance Company, Limited.
72. Pearl Assurance Company, Limited.
73. Phoenix Assurance Company, Limited.
74. Provincial Insurance Company, Limited.
75. Prudential Assurance Company, Limited.
76. Queen Insurance Company of America.
77. Queensland Insurance Company, Limited.
78. Railway Passengers' Assurance Company.
79. Reliance Marine Insurance Company, Limited.
80. Royal Exchange Assurance Corporation.
81. Royal Insurance Company, Limited.
82. Ruby General Insurance Company, Limited.
83. Scottish Insurance Corporation, Limited.
84. Scottish Union and National Insurance Company.
85. Sea Insurance Company, Limited.
86. South British Insurance Company, Limited.
87. South India Fire and General Insurance Company (Coimbatore), Limited.
88. State Assurance Company, Limited.

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90. Sun Insurance Office, Limited.

1\*            \*            \*            \*            \*            \*            \*

92. Tropical Insurance Company, Limited.

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94. Thames and Mersey Marine Insurance Company, Limited.

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\* Entries omitted, Commerce Dept., Notfn No. 3-W. R. I /42, dated the 7th February, 1942.

*Commerce Dept., No. 8-W. R. I./10, dated the 11th September, 1910.—*  
In pursuance of sub-section (1) of section 7 of the War Risks (Goods) Insurance Ordinance, 1910 (No. IX of 1910), read with section 22 of the General Clauses Act, 1897 (X of 1897), the Central Government is pleased to specify the thirty-first day of October, 1910, as the date for the purposes of the said sub-section.

[ *Gazette of India*, 1910, Pt. I, p. 1316 ]

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*Commerce Dept., No. 49-T. W. (18)/41, dated the 1st March, 1911.—*  
In pursuance of sub-section (1) of section 7 of the War Risks (Goods) Insurance Ordinance, 1910 (No. IX of 1910), as applied to the Chota Nagpur Division and the district of Santal Parganas, the Central Government is pleased to specify the first day of March, 1911, as the date for the purposes of the said sub-section.

[ *Gazette of India*, 1911, Pt. I, p. 338. ]

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*Commerce Dept., No. 49-T. W. (18)/41-1, dated the 26th April, 1911.—*  
In pursuance of sub-section (1) of section 7 of the War Risks (Goods) Insurance Ordinance, 1910 (No. IX of 1910), as applied to the partially

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<sup>1</sup> *Ias., Commerce Dept., Notfn. No. 39-W. R. I./41, dated the 16th October, 1911.*



THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX of 1940)  
—*contd.*

to specify the fourteenth day of June, 1941, as the date for the purposes of the said sub-section.

[ *Gazette of India*, 1941, Pt. I, p. 851.]

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*Commerce Dept., No. 24-W. R. I./41, dated the 21st June, 1941.*—  
In pursuance of sub-section (I) of section 7 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to the partially excluded areas in Assam, the Central Government is pleased to specify the twenty-first day of June, 1941, as the date for the purposes of the said sub-section.

[ *Gazette of India*, 1941, Pt. I, p. 881.]

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*Commerce Dept., No. 28-W. R. I./41, dated the 28th June, 1941.*—  
In pursuance of sub-section (I) of section 7 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to the partially excluded areas of the Jaunsar Bawar Pargana of the Dehra Dun District and the portion of the Mirzapur District south of the Kaimur Range in the United Provinces, the Central Government is pleased to specify the twenty-eighth day of June, 1941, as the date for the purposes of the said sub-section.

[ *Gazette of India*, 1941, Pt. I, p. 918.]

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*Commerce Dept., No. 14-W. R. I./41, dated the 26th April, 1941.*—  
In exercise of the powers conferred by section 14 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), and in supersession of the rules published with the notification of the Government of India in the Department of Commerce, No. 9-W. R. I./40, dated the 14th September, 1940, the Central Government is pleased to make the following rules, namely :—

1. (1) These rules may be called the War Risks (Goods) Insurance Rules.

(2) These rules shall extend to the whole of British India including British Baluchistan and those excluded and partially excluded areas in which the Ordinance is for the time being in force

2. In these rules,—

- (i) "Government Agent" means any person or firm employed under section 6 to act as agent of the Central Government for any of the purposes of the Ordinance ;

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX OF 1940)  
—*contd.*

- (ii) "Ordinance" means the War Risks (Goods) Insurance Ordinance, 1940;
- (iii) "Scheme" means the scheme referred to in sub-section (1) of section 5 as the War Risks (Goods) Insurance Scheme;
- (iv) "Section" means a section of the Ordinance;
- (v) "Fund" means the fund referred to in sub-section (1) of section 9 as the War Risks (Goods) Insurance Fund.

<sup>1</sup>[3 For the purposes of the Ordinance and these Rules—

(1) the following risks shall be war risks, namely, the risks of—

- (a) damage occurring (whether accidentally or not) as the direct result of action taken by the enemy, or action taken in combating the enemy or in repelling an imagined attack by the enemy;
- (b) damage occurring (whether accidentally or not) as the direct result of measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of such damage as aforesaid;
- (c) accidental damage occurring as the direct result—
  - (i) of any precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by the enemy; or
  - (ii) of precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way in anticipation of enemy action;
- <sup>2</sup>[(d) damage occurring (whether accidentally or not) as the direct result of precautionary or preparatory measures taken under proper authority with a view to denying facilities to the enemy, being measures involving a substantial degree of damage to or diminution of the value of property:]

being in either case measures involving a substantial degree of risk to property:

Provided that the measures mentioned in sub-clause (c) do not include the imposing of restrictions on the display of lights or measures taken for training purposes;

(2) such action against the enemy as is referred to in sub-clause (a) of clause (1)—

- (a) shall, in relation to any ship or aircraft taking part in such action, be deemed to continue until the ship or aircraft has returned to its base;
- (b) includes naval, military or air reconnaissances and patrols.]

<sup>1</sup> Subs. Commerce Dept., Notfn. No. 46 W. R. I/41, dated the 24th December, 1941.

<sup>2</sup> *Ibid.*, Commerce Dept., Notfn. No. 17 W. R. I/42, dated the 24th April, 1942.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910 (IX OF 1910)  
—*contd.*

1. Every policy of insurance issued under the Scheme shall be in the Form given in the First Schedule to these Rules, and shall be in respect of the period ending on the last day of the <sup>1</sup>[quarter for] which the policy is issued

5. Every person insuring goods against war risks under the Scheme shall apply for the insurance under a single policy of all goods insurable under the Ordinance which are at the time of such application owned by him within one and the same Presidency-town or district in the course of his business as a seller of goods and which are not at the time of such application covered by a policy insuring them against war risks under the Scheme :

Provided that nothing in this rule shall be deemed to prohibit any person from applying for the insurance under a single policy of goods owned by him in more than one Presidency-town or district.

6. (1) The premium payable under any policy of insurance issued under the Scheme during the quarter ending on the 31st December, 1910, or the quarter ending on the 31st March, 1911, shall be payable at the rate of one thirty-second per cent. per month or part of a month and during the quarter ending on the 30th June, 1911, <sup>2</sup>[or the quarter ending on the 30th September, 1911,] at the rate of <sup>3</sup>[one anna per month or part of a month for each complete sum of one hundred rupees].

4 (2) The premium payable under any policy of insurance issued under the Scheme <sup>4</sup>[in respect of] any quarter subsequent to that ending on 30th September, 1911, shall be payable at the rate fixed by the Central Government by notification in that behalf ]

<sup>5</sup>[(3)] No refund of premium shall be allowed otherwise than in accordance with section 11.

7. The amount of premium payable under the first policy of insurance issued under the Scheme to any person in respect of any quarter, or part of a quarter, shall not be less than five rupees in the case of a policy issued for a period not exceeding one month, or less than ten rupees in the case of a policy issued for a period exceeding one month :

Provided that the amount of premium payable under any subsequent policy issued under the Scheme to the same person in respect of the same quarter, or part of the same quarter, shall not be less than two rupees and eight annas

<sup>1</sup> Subs., Commerce Dept., Notfn No. 1533 of 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 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3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3694, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3720, 3721, 3722, 3723, 3724, 3725, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3770, 3771, 3772, 3773, 3774, 3775, 3776, 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3785, 3786, 3787, 3788, 3789, 3790, 3791, 3792, 3793, 3794, 3795, 3796, 3797, 3798, 3799, 3800, 3801, 3802, 3803,



THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX OF 1940)  
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8. The following associations are prescribed for the purposes of clause (a) of the proviso to section 6 :—

1. The Indian Insurance Companies Association, Industrial Assurance Building, Churchgate, Bombay.
2. The Indian Insurance Companies Association, 102-A, Clive Street, Calcutta.
3. The Calcutta Insurance Association, Royal Exchange Place, Calcutta.
4. The Madras Fire Insurance Association, 2-6, Second Line Beach, Madras.
5. The Bombay Fire Insurance Association, Rampart Row, Fort, Bombay.
6. The Fire Salvage Association of Bombay, Limited, Bombay.
7. The Bombay Accident Insurance Association, Bombay.
8. The Bombay Underwriters' Association, Bombay.

9 For the purposes of the proviso to sub-section (1) of section 7 the maximum amount shall be Rs. 20,000.

10. (1) Every application for insurance under the Scheme shall be<sup>1</sup> [in accordance with the Form] given in the Third Schedule to these Rules, and shall be made to a Government Agent or to such officer as may be authorised by a Government Agent in this behalf.

(2) Every such application shall be accompanied by the requisite premium which may be remitted by bank draft, cheque, money order or postal order, or delivered in cash.

NOTE—Where the remittance is by cheque, the amount, if any, charged by the Government Agent's bank as collection charges shall be deducted from the amount of the cheque, and the applicant given credit only for the balance.

11. Every policy of insurance issued on an application made in accordance with the provisions of rule 10 shall take effect from the date of the receipt of the application by the Government Agent or, as the case may be, the officer authorised by the Government Agent, or on and from the date given in the application as the date on which the insurance is to commence, whichever is later.

12. (1) If the amount accompanying the application falls short of the premium due on the sum for which the goods are proposed for insurance, a policy for such proportion of the sum proposed as the amount paid bears to the premium due shall be issued, and the applicant shall make a further application for insurance of the balance.

(2) If no amount accompanies the application, the application if allowed in order may be kept in suspense pending the receipt of the

<sup>1</sup> Subs., Commerce Dept., Notfn No. 43-W. R. I/11, dated the 13th December, 1941.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910 (IX OF 1910)  
—contd.

requisite premium; and on receipt of the requisite premium, a policy of insurance shall be issued on such application, and shall take effect from the date of receipt of the premium or on and from the date given in the application as the date on which the insurance is to commence, whichever is later.

“(3) If the application for insurance is not received in accordance with the Form as given in the Third Schedule to these Rules, the premium may be retained by the Government Agent and the application returned to the applicant for resubmission. A policy of insurance shall be issued on receipt of such application correctly made out in accordance with the Form and that policy shall take effect from the date of : . . . . . ‘a out, or on and from the date given : . . . . . which the insurance is to commence.

Policy of insurance as soon  
in accordance with the

Provided that—

- (a) if the application shows that the applicant has taken out an insurance in respect of the same goods or any part thereof against fire, marine, or accident risks with any other insurance company, the Government Agent may, in his discretion, postpone the issue of the policy until enquiries have been made from that company ; and
- (b) if the premium is remitted by cheque, the Government Agent may, in his discretion, postpone the issue of the policy until the cheque has been cashed.

14. In the event of the loss of a policy a duplicate policy will not be issued, but if it is satisfactorily proved that a policy has been issued, the absence of that policy will not be a bar to a claim under it.

15. (1) All claims shall be submitted in writing <sup>2</sup>[in the Form set forth in the Fifth Schedule to these Rules] to the Government Agent concerned within the time specified in condition 4 of the Conditions set forth in the Second Schedule to these Rules.

(2) On receipt of a claim, the Government Agent shall have it verified, and the loss or damage, if any, assessed, by a person who is for the time being included in the list of recognised Loss Assessors issued and maintained by the Central Government in this behalf, or if the Central Government so directs, by such person as may be specially deputed by it for the purpose.

\*[Provided that in case of loss or damage in a district where none of the loss assessors, included in the list of recognised Loss Assessor.

<sup>1</sup> Ins., Commerce Dept., Notfn. No 43-W. R. I /41, dated the 13th December, 1941

<sup>2</sup> Ins, Commerce Dept, Notfn No 47-W. R 1/41, dated the 24th December, 1941

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX OF 1940)  
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resides or is present, such verification and assessment shall be made by a person who may be deputed for the purpose either by any of the prescribed associations or by any of the Special Officers, War Risks (Goods) Insurance.]

(3) As soon as the Loss Assessor has verified the claim and assessed the loss or damage, if any he shall report thereon to the Government Agent who shall, after such further verification as he thinks fit to make, forward the report, with his remarks and recommendation, to the Secretary to the Government of India in the Department of Commerce <sup>1</sup>[through the Accounts Officer to whom the counterfoil of the policy was sent]

(4) If the claim is proved to the satisfaction of the Central Government, a payment order will be issued in favour of the claimant <sup>2</sup> who, on receipt of payment, which will be made through the Government Agent, shall give a receipt in the Form set forth in the Sixth Schedule to these Rules ]

16 An account of all sums received into and paid out of the Fund shall be prepared in the Form set forth in the Fourth Schedule to these rules and shall be published annually.

FIRST SCHEDULE.

[See rule 4.]

Policy No. ....

GOVERNMENT OF INDIA

WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940.

*Policy of Insurance in respect of Goods Insurable thereunder*

This Policy and the Specification hereto (which forms an integral part of this Policy) shall be read together as one contract and the words and expressions to which specific meanings have been attached in the Specification shall bear those meanings wherever they may appear.

*The Specification.*

The Governor General

The Governor General of India in Council.

The Government Agent.

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<sup>1</sup> *Ira*, Commerce Dept., Notfn No. 47-W. B. I/41, dated the 24th December, 1941

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910 (IX OF 1910)  
—*contd.*FIRST SCHEDULE.—*contd.*

The Insured

Address

The Insured's Business

The Property Insured

Sum for which Insured : Rs.

Period of Insurance : From the

day of

191 .

to the

day of

191 .

The Premium : Rs.

received on the

day of

191 .

WHEREAS the insured has made and forwarded to the Government Agent a signed application for insurance and has paid the amount of premium named above :

NOW this Policy witnesseth that in consideration of the insured paying to the Governor General the said premium, the Governor General agrees (subject to the conditions contained in the Second Schedule to the War Risks (Goods) Insurance Rules, 1910, which conditions shall, so far as the nature of them respectively will permit, be deemed to be conditions precedent to the right of the insured to recover hereunder) that if during the period of insurance stated above the property insured or any part of such property shall suffer any loss or damage, being loss or damage caused by any act comprised in the expression "war risks" as defined for the time being by the said Rules, the Governor General will, where the loss or damage is suffered whilst the property affected is situated in British India, pay to the insured the value of that property at the time of the happening of its destruction or the amount of the damage, as the case may be, or, at the option of the Governor General, reinstate or replace such property or any part thereof.

PROVIDED that the liability of the Governor General shall in no case exceed the sum insured hereby.

In witness whereof I, being duly authorised in that behalf, have hereto set my hand on behalf of the Governor General.

Dated,

The , 191 .

It is hereby agreed and declared that being the persons carrying on the business of banking, shall to the extent of their interest in the property insured be entitled jointly with the insured to the rights hereby granted to the insured, but not so as to grant to them any further or greater rights than those of the Insured under this policy.

Signed on behalf of the Governor General this  
day of 191 .

NOTE.—This policy cannot be assigned or transferred and no premium is returnable except as provided under Section 11 of the Ordinance.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910 (IX OF 1910)—*contd.*

## SECOND SCHEDULE.

[ See rule 15 (1) and the First Schedule.]

## CONDITIONS.

The Governor General shall be under no liability under any policy of insurance to which these conditions apply (hereinafter referred to as "the policy") if and in so far as the Insured is not entitled to be insured for the sum thereby insured in respect of the property insured under the Ordinance.

2. If at the time of the happening of any loss or damage the total value of the property insured shall exceed the sum insured under the policy, the Insured shall be considered as being his own insurer for the excess and shall bear a rateable share of the loss accordingly.

3. If at the time of the happening of any loss or damage there be any other insurance effected by or on behalf of the Insured covering any of the property suffering that loss or damage, the liability of the Governor General under the policy shall be limited to its rateable proportion of such loss or damage.

4. On the happening of any loss or damage the Insured shall forthwith give notice thereof in writing to the Agent, and shall within ten days after such loss or damage, or such further time as the Agent may in writing allow, at his own expense deliver to the Agent a claim in writing containing as particular an account as may be reasonably practicable of the several articles or portions of property suffering that loss or damage and of the amount of such loss or damage, having regard to their value at the time of the loss or damage, together with details of any other insurances on the property insured. The Insured shall also give to the Agent all such proofs and information with respect to the claim as may reasonably be required, together with (if demanded) a declaration, verified by an affidavit, of the truth of the claim and of any matters connected therewith. No claim under the policy shall be payable unless the terms of this condition have been complied with.

5. If the claim be in any respect fraudulent, or if any fraudulent means or devices be used by the Insured or any one acting on his behalf to obtain any benefit under this policy, or if any loss or damage be occasioned by the wilful act or with the connivance of the Insured, all benefits under the policy shall be forfeited.

6. If, in his application for the insurance effected by the policy, the Insured shall have intentionally made a material under-statement of the value of the property insured all benefits under the policy shall be forfeited.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910 (IX of 1910)  
—*contd.*

SECOND SCHEDULE—*contd.*

7. If the Governor General elects to reinstate or replace any property insured, the Insured shall at his own expense produce and give to the Governor General all such plans, documents, books and information as the Governor General may reasonably require. The Governor General shall not be bound to reinstate exactly or completely but only as circumstances permit and in reasonably sufficient manner and shall not in any case be bound to expend in respect of the property insured more than the sum insured thereon.

8. On the happening of any loss or damage in respect of which a claim is or may be made under the policy, the Agent and every person authorised by the Agent may, without thereby incurring any liability, and without diminishing the right of the Governor General to rely upon any conditions of the policy, enter, take or keep possession of the building or premises where the loss or damage has happened, and may take possession of or require to be delivered to them any of the property insured, and may keep possession of and deal with such property for all reasonable purposes and in any reasonable manner. This condition shall be evidence of the leave and licence of the Insured to the Governor General so to do. If the Insured or any one acting on his behalf shall not comply with the requirements of the Governor General, or shall hinder or obstruct the Governor General or any person acting on his behalf in doing any of the abovementioned acts, then all benefit under this policy shall be forfeited. The Insured shall not in any case be entitled to abandon any property to the Governor General whether taken possession of by the Governor General or not.

9. The premium paid in respect of the policy or any part of such premium shall not in any event be returnable, except as provided in Section 11 of the Ordinance.

10. The policy shall not be assignable.

11. The following condition may be included in the policy at the request of the Insured :—

“ It is hereby agreed and declared that

Insured to the rights hereby granted to the Insured, but not so as to grant to them any further or greater rights than those of the Insured under this policy.”

12. The liability of the Governor General under the policy shall not exceed in the aggregate the sum thereby insured, and accordingly after the happening of any loss or damage the said sum shall be deemed to be reduced by the amount of that loss or damage.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX OF 1940)  
—contd.

THIRD SCHEDULE.

{ See rule 10.]

IMPORTANT.—Before completing this application form read the instructions overleaf.

GOVERNMENT OF INDIA.

WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940.

*Application for Insurance of Goods Insurable thereunder.*

Applicant's Name

Address

Business

Goods to be Insured

Situation of Goods.

Estimated Full Value (which is the sum for which insurance must be effected) Rs.

Date Insurance is to commence

NOTE.—No policy will be issued and the Government of India will be under no liability until the premium has been received by the Insurance Company.

Are the goods insured against Fire, Marine, or Accident Risks ?

If so, state (a) Name of Insurance Company.

(b) Policy No.

(c) Sum Insured Rs.

Has any other person any insurable interest in the goods to be insured ?

If so, give particulars.

NOTE.—A policy once issued cannot be assigned or transferred nor is any part of the premium returnable.

To : (Here insert name of Insurance Company through whom insurance is to be effected.)

I/We warrant that the above statements and particulars are true and I/We request you to effect War Risks (Goods) Insurance on my/our behalf with the Government of India in terms of the prescribed standard policy which I/We agree to accept.

I/We enclose bank draft/cheque/money order/postal order/cash value Rs.

Signature of Applicant.

Date

NOTE.—Cheques on out station banks should be made payable to bank order. If not received by the Government of India, the applicant must make a further application for insurance of the uninsured amount.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910 (IX OF 1910)  
—contd.

THIRD SCHEDULE—contd

GOVERNMENT OF INDIA.

WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910.

*Instructions.*

1. The Government of India have put into operation as from the 1st October 1910 the War Risks (Goods) Insurance Scheme whereby the Government undertake to insure certain Goods on land or on inland waters in British India against War Risks. [The Scheme has recently been extended to make insurable certain sea-borne goods in British Indian territorial waters.]

2. **GOODS INSURABLE:** The Ordinance defines the Goods to which the scheme applies, these include Goods (with certain exceptions) which are held for sale by persons carrying on business as sellers of goods, such as manufacturers, wholesale distributors, and retailers, including the raw materials from which goods are manufactured and goods in process of manufacture.

3. **GOODS NOT INSURABLE:** A list of goods which cannot be insured under the scheme has been published in the Gazette. For precise details of the goods concerned reference should be made to that list, but an idea of the kind of goods exempted may be obtained from the following :

Growing crops, plants and trees, live-stock, fleeces and the skins of animals, coal and coke, ores and scrap of certain metals and alloys thereof, certain kinds of bricks, tiles and slates, certain specified kinds of manufactured iron and steel, gold, silver and other precious metals and manufactures and alloys thereof in specified forms; postage stamps; objects of art and craftsmanship not less than 100 years old, cement and lime; specified varieties of certain metals and alloys thereof, natural pearls, jewellery and precious and semi-precious stones, concrete products, certain specified kinds of printing machinery, and goods not for sale.]

4. **PROPERTY TO WHICH SCHEME DOES NOT APPLY:** The Scheme does not apply to buildings, factory machinery and plant, and other forms of immovable property.

5. **COMPULSORY INSURANCE:** As from the 1st November 1910 any person carrying on business as a seller of goods must insure the whole of his goods which are insurable under this scheme for their full value if the value of such goods within one and the same Presidency Town or District exceeds Rs. 20,000. **THE ORDINANCE PRESCRIBES HEAVY FINES FOR CONTRAVENTION.**

<sup>1</sup> Added, Commerce Dept. Notfn. No. 5-W. R. I./42, dated the 28th February, 1912.

<sup>2</sup> Subs, Commerce Dept. Notfn. No. 40-W. R. I./41, dated the 15th November, 1911.



THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX OF 1940)

—contd

THIRD SCHEDULE—*concl'd*

6. HOW TO INSURE: The Application form overleaf should be completed and forwarded with a remittance for the premium to a Government Agent.

**7. GOVERNMENT AGENTS:** The Government of India have appointed certain Insurance Companies transacting Fire, Marine or Accident Insurance to act as Government Agents and issue policies under the scheme. If the goods are insured against Fire with an Insurance Company it is strongly recommended that the War Risks (Goods) Insurance should be arranged through that Company. If this is not done there may be considerable delay in obtaining cover.

8. PERIOD OF INSURANCE: The maximum period for which a policy will be issued is three months. Policies issued on or after the 1st October will expire on the 31st December; those issued on or after the 1st January will expire on the 31st March; those issued on or after the 1st April will expire on the 30th June; and those issued on or after the 1st July will expire on the 30th September. No policy will be issued to expire on any intermediate date.

[9. RATE OF PREMIUM: The rate of premium is fixed quarterly and the current rate may be ascertained from any Government Agent. .

10. CALCULATION OF PREMIUM: On insurances effected during the months of April, July, October and January three months' premium will be payable. On insurances effected during the months of May, August, November and February two months' premium will be payable. On insurances effected during the months of June, September, December and March one month's premium will be payable.]

¶ 11. MINIMUM PREMIUM: The minimum premium for the first policy issued to any person in any quarter for a period of one month or less will be Rs. 5. Similarly, for the first policy issued for a period exceeding one month the minimum premium will be Rs. 10. For any subsequent policy issued to the same person in the same quarter, the minimum premium will be Rs. 2-8-0.]

12. VOLUNTARY INSURANCE: Any person carrying on business as a seller of goods whose stocks of goods insurable under this scheme within one and the same Presidency Town or District do not exceed Rs 20,000 in value may insure under the scheme.

[illegible]

14. Full details of the subject have been published in the Gazette.

<sup>1</sup> Suba., Commerce Dept., Notfn. No. 35-W, R. I/11, dated the 13th September, 1941.

<sup>1</sup>Suba, Commerce Dept. Notfn. No. 38 W. R. I/401, dated the 11th October, 1941.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910 (IX OF 1910)  
—contd

## FOURTH SCHEDULE.

[See rule 16.]

Account of sums received into and paid out of the War Risks (Goods)  
Insurance Fund during the year ending 194 .

Receipts.			Expenditure.		
	Amount	Progress of receipts upto the end of		Amount	Progress of expenditure upto the end of
	Rs A P	Rs A P		Rs A P	Rs. A. P.
1. Insurance Premiums			1 Remuneration and expenses of Government Agents, Insurance Associations and Advisers and also of Loss Assessors appointed under rule 15 (2) and cost of forms		
			2 Expenses of the Government inspecting staff appointed under section 10 (1) and of the additional staff employed to cope with the work at the headquarters of the Central Government		
			3 Expenses of the additional staff employed to cope with the audit and accounting arrangements		
2 Advances from General Revenues under section 9 (2).			4 Payments of liabilities under the War Risks (Goods) Insurance Scheme.		
			5 Refund of premium under section 11.		
			6 Repayments of advances made under section 9 (2)		
4½ Miscellaneous ]			7 Excess sums paid into general revenues under section 9 (3)		
TOTAL					

<sup>1</sup> Ins. Commerce Dept. Notfn. No. 41-W. R. 1/41, dated the 15th November, 1941.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX OF 1940)  
—*contd.*

1[ FIFTH SCHEDULE.

[See rule 15.]

(Seal)

GOVERNMENT OF INDIA.

WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940.

*Statement of claims thereunder.*

(Through.....Insurance Company, Government Agents, at.....and the Accountant General .....)

I/We ..... of (address) ..  
..... do hereby solemnly declare that on or about.....  
..... o'clock A M /P.M. Indian Standard Time on  
the.....day of.....19 ..  
goods owned by me/us, which were insured under the policy or policies  
detailed in Schedule "A" annexed hereto, were destroyed or damaged  
by an act comprised in the expression "war risks" as defined by the  
War Risks (Goods) Insurance Rules and as shown in Schedule "B"  
attached hereto The actual details of the act (manner in which the  
damage occurred) are given below .

.....  
.....  
I/We further solemnly declare that at the time of the said loss or  
damage the actual value of all goods owned by me/us as described in  
the said policy or policies amounted to Rs.....as more particularly  
set forth in the annexed Schedule "C", and that apart from myself/  
ourselves no person other than.....has any  
interest in the said goods.

I/We therefore claim from the Government of India the sum of  
Rupees.....as detailed in Schedule "D" annexed hereto  
and I/we solemnly declare that this Statement of Claims is a true and

<sup>1</sup> Ins. Commerce Dept. Notfn. No. 47-W. R. I./41, dated the 21th December, 1941.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910 (IX OF 1910)  
—contd.

accurate statement of the loss sustained by me/us, without inclusion of profit of any kind.

Signed.....

.....  
.....

Declared before me

this... day of.....19 .

COURT SEAL

MAGISTRATE.

## SCHEDULE "A".

*Statement of Policies in force on the date of loss or damage.*

(1)	(2)	(3)	(4)	(5)
Policy No.	Issued through (Govt Agent)	Date of Issue.	Sum Insured.	The property insured as described in Policy.
<hr/>				

## SCHEDULE "B".

*Definition of the expression "War Risks".*

For the purposes of the Ordinance and these Rules the following risks shall be war risks, namely, the risks of—

- (a) damage occurring (whether accidentally or not) as the direct result of action taken by the enemy, or action taken in combating the enemy or in repelling an imagined attack by the enemy,
- (b) damage occurring (whether accidentally or not) as the direct result of measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of such damage as aforesaid;

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1940 (IX OF 1940)  
—contd.

SCHEDULE "B"—*contd.*

(c) accidental damage occurring as the direct result—

- (i) of any precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by the enemy ; or
- (ii) of precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way in anticipation of enemy action,

being, in either case, measures involving a substantial degree of risk to property :

Provided that the measures mentioned in sub-clause (c) do not include the imposing of restrictions on the display of lights or measures taken for training purposes..

(2) Such action against the enemy as is referred to in sub-clause (a) of clause (1)—

- (a) shall, in relation to any ship or aircraft taking part in such action, be deemed to continue until the ship or aircraft has returned to its base :

\* (b) includes naval, military or air reconnaissances and patrols.

**SCHEDULE "C".**

*Statement of all goods insurable under the Ordinance.*

(1)	(2)	(3)
Description of goods.	Sound value of goods.	Location of goods.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910 (IX OF 1910)  
—contd.

SCHEDULE " D ".

*Statement of loss or damage.*

(1)	(2)	(3)	(4)	(5)
Description of goods damaged or destroyed.	Quantity.	Sound value.	Value of Salvage.	Actual loss.

### ASSESSOR'S CERTIFICATE.

I/We... being Assessor/s duly appointed under Section 15(2) of the War Risks (Goods) Insurance Rules certify that from a careful examination carried out by me/us of the scene of the loss or damage and from the production of books, documents, invoices and other evidence have satisfied myself/ourselves that the goods claimed were fully insured at the time of the loss or damage, that the claimant/s was/were the sole owner/s of the goods lost or damaged with the exception of the interests noted in the Statement of Claims and that the statement of claims as detailed herein (\*and in our report attached) is a true and proper statement of the actual loss sustained by the Insured as the direct result of War Risks only.

Time taken on assessment... ..

Fee Rs. ....

Signature of Loss Assessor. ....

Address .....

Date.....

## RECOMMENDATION OF GOVERNMENT AGENT

We certify that the claim detailed in this Statement of Claims was received by us in accordance with Condition 4 of the Insurance Policy, that the Statement of insurances in force contained in Schedule "A" is a correct statement and (\*except as stated in the attached report) we recommend that the sum of Rupees ..... be paid in full and final settlement of the loss and that the sum of Rupees..... be paid to the Assessor in respect of his fee and expenses.

Signature of Government Agent.....

Date.....

NOTE.—Where Policies have been issued by more than one Government Agent, this recommendation must be signed by all Government Agents concerned.

\* Delete and initial deletion if no separate report.

THE WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910 (IX OF 1940)  
—*concl'd.*

SCHEDULE "D"—*cont'd.*

ACCOUNTANT GENERAL'S CERTIFICATE.

I certify that the details in Schedule "A" have been verified and that the policy in question was issued on payment of the proper premium which was duly credited to the Government.

Signature of Accountant General.....

Date.....

• Government Orders for Disposal.

SIXTH SCHEDULE.

[See rule 15.]

(Seal)

GOVERNMENT OF INDIA.

WAR RISKS (GOODS) INSURANCE ORDINANCE, 1910.

*Receipt of Claims.*

Loss No... ..

Received this .....day of.....194.....  
from the Government of India the sum of Rupees.....  
in full discharge of all claims upon them under Policy No.....  
issued under the War Risks (Goods) Insurance Ordinance, 1910, for  
loss or damage, arising from War Risks as defined in the said Ordinance,  
which occurred on the .....day of.....  
194...., in consequence of which the amount insured by this Policy  
is reduced to the extent of the said sum.

Rs.....

Stamp.

Signature of Recipient.]

[ *Gazette of India*, 1941, Pt. I, p. 604 ]

*Commerce Dept., No. 14-W. R. I./12, dated the 27th March, 1942.*—  
In pursuance of sub-rule (2) of rule 6 of the War Risks (Goods) Insurance Rules and in supersession of the notification of the Government of India in the Department of Commerce No. 13-W. R. I./12, dated the 16th March, 1942, the Central Government is pleased to fix the rate of premium payable under any policy of insurance issued under the Scheme in respect of the quarter ending 30th June, 1942, at three annas per month or part of a month for each complete sum of one hundred rupees.

[ *Gazette of India*, 1942, Extraordinary, p. 365.]

## THE INDIAN FORCES (TRANSFER) ORDINANCE, 1910 (X OF 1910).

*E. A. Dept., No 148-N., dated the 23rd September, 1910.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Indian Forces (Transfer) Ordinance, 1910 (Ordinance No. X of 1910), shall apply to British Baluchistan.

[*Gazette of India*, 1910, Pt. I, p. 1376.]

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## THE AIR RAID PRECAUTIONS SERVICES ORDINANCE, 1911 (IV OF 1911).

*E. A. Dept., No. 13-W., dated the 22nd May, 1911*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Air Raid Precautions Services Ordinance, 1911 (Ordinance No. IV of 1911), shall apply to British Baluchistan.

[*Gazette of India*, 1911, Pt. I, p. 751.]

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*E. A. Dept., No. 15-W, dated the 14th July, 1911.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the Air Raid Precautions Services Ordinance, 1911 (No IV of 1911), and all general orders made or hereafter to be made thereunder applying to British India shall apply to such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas :

Provided that in the said Ordinance and orders all references to the Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the said areas, and references to British India shall be construed as references to the said Baluch tribal areas

[*Gazette of India*, 1911, Pt. I, p 1008.]

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*E. A. Dept., No. 16-W, dated the 17th July, 1911.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the Air Raid Precautions Services Ordinance, 1911 (No. IV of 1911), and all general orders made or hereafter to be made thereunder applying to British India, shall apply to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province :

Provided that in the said Ordinance and orders all references to the Provincial Government shall be construed as references to the Agent to



THE AIR RAID PRECAUTIONS SERVICES ORDINANCE, 1941 (IV OF 1941)—  
*contd.*

the Governor General exercising jurisdiction in the said areas; and references to British India shall be construed as references to the said areas.

[*Gazette of India*, 1941, Pt. I, p. 1009.]

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*Home Dept., No. 78/40/41, dated the 14th May, 1941.*—In exercise of the powers conferred by sub-section (2) of section 10 of the Air Raid Precautions Services Ordinance, 1941 (Ordinance No. IV of 1941), the Central Government is pleased to delegate to all Provincial Governments its power to make rules under the said section.

[*Gazette of India*, 1941, Pt. I, p. 711.]

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THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941).

*E. A. Dept., No. 31-W., dated the 25th March, 1942.*—In pursuance of sub-section (3) of section 94, read with sub-section (1) of section 95, of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the functions of a Provincial Government under the War Injuries Ordinance, 1941 (Ordinance No. VII of 1941), and under the <sup>1</sup>War Injuries Scheme, 1942, and the <sup>2</sup>War Injuries Regulations, 1942, shall, in British Baluchistan, be discharged by the Chief Commissioner.

[*Gazette of India*, 1942, Pt. I, p. 623.]

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*Labour Dept., No. L 1882, dated the 31st March, 1942.*—In pursuance of sub-section (3) of section 94 of the Government of India Act, 1935, the Governor General in Council is pleased to direct that the Chief Commissioners of Delhi, Ajmer-Merwara, Coorg and Panth Piploda shall, until further orders, exercise the powers of a Provincial Government under section 5A of the War Injuries Ordinance, 1941 (VII of 1941), the <sup>1</sup>War Injuries Scheme, 1942, and the <sup>2</sup>War Injuries Regulations, 1942.

[*Gazette of India*, 1942, Pt. I, p. 678.]

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*E. A. Dept., No. 23-W., dated the 1st October, 1941.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the War Injuries Ordinance, 1941 (Ordinance No. VII of 1941), shall apply to British Baluchistan.

[*Gazette of India*, 1941, Pt. I, p. 1421.]

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<sup>1</sup> *Ibid.*, p. 129.

<sup>2</sup> *Ibid.*, p. 214

THE WAR INJURIES ORDINANCE, 1941 (VII of 1941)—*contd.*

*E. A. Dept., No. 11-W., dated the 5th February, 1942.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the War Injuries (Amendment) Ordinance, 1942 (Ordinance No. I of 1942), shall apply to British Baluchistan.

[*Gazette of India*, 1941, Pt. I, p. 263.]

*E. A. Dept., No. 24-W., dated the 1st October, 1941.*—In exercise of the

Injuries Ordinance, 1941 (Ordinance No. VII of 1941), shall apply to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province in so far as the same may be applicable and subject to any amendments to which it is for the time being subject in British India :

Provided that any Court or authority may construe the provisions of the said Ordinance with such modifications not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or authority.

[*Gazette of India*, 1941, Pt. I, p. 1422 ]

*E. A. Dept., No. 25-W., dated the 1st October, 1941.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the War Injuries Ordinance, 1941 (Ordinance No. VII of 1941), shall apply to such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas, in so far as the same may be applicable and subject to any amendments to which it is for the time being subject in British India :

Provided that any Court or authority may construe the provisions of the said Ordinance with such modifications not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or authority.

[*Gazette of India*, 1941, Pt. I, p. 1422 ]

*E. A. Dept., No. 12-W., dated the 5th February, 1942.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that

THE WAR INJURIES ORDINANCE, 1911 (VII OF 1911)—*contd.*

the <sup>1</sup>War Injuries Scheme, 1912, and the <sup>2</sup>War Injuries Regulations, 1912, shall apply to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province in so far as the same may be applicable and subject to any amendments to which they are for the time being subject in British India :

Provided that all references in the said Scheme and the said Regulations to the Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the said areas :

Provided further that any Court or authority may construe the provisions of the said Scheme and the said Regulations with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court or authority.

[*Gazette of India*, 1942, Pt I, p 263.]

*E. A. Dept., No 13-W., dated the 5th February, 1942.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the <sup>1</sup>War Injuries Scheme, 1912, and the <sup>2</sup>War Injuries Regulations, 1912, shall apply to such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas, in so far as the same may be applicable and subject to any amendments to which they are for the time being subject in British India :

Provided that all references in the said Scheme and the said Regulations to the Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the said areas :

Provided further that any Court or authority may construe the provisions of the said Scheme and the said Regulations with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court or authority.

[*Gazette of India*, 1942, Pt. I, p. 263.]

*E. A. Dept., No. 32-W., dated the 25th March, 1942*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that

<sup>1</sup> *Infra*, p. 199

<sup>2</sup> *Infra*, p. 214.

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd*

the functions of a Provincial Government under the War Injuries Ordinance, 1941 (Ordinance No. VII of 1941), shall, in the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, be discharged by the Agent to the Governor General exercising jurisdiction in the said areas.

[*Gazette of India*, 1942, Pt. I, p. 623.]

*E. A. Dept., No. 33-W., dated the 25th March, 1942.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the functions of a Provincial Government under the War Injuries Ordinance, 1941 (Ordinance No. VII of 1941), shall, in such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas, be discharged by the Agent to the Governor General exercising jurisdiction in the said areas.

[*Gazette of India*, 1942, Pt. I, p. 623.]

*Labour Dept., No. L 1882, dated the 1st January, 1942*—In exercise of the powers conferred by sub-section (1) of section 3 of the War Injuries Ordinance, 1941, the Central Government is pleased to make the following Scheme, namely :—

## PART I.

## INTRODUCTORY.

1. (1) This Scheme may be called the War Injuries Scheme, 1942.
- (2) It shall come into force on 1st January, 1942.
2. (1) The General Clauses Act, 1897 (X of 1897), applies to the interpretation of this Scheme as it applies to the interpretation of an Act or Regulation.
- (2) In this Scheme,—
  - (a) " Ordinance " means the War Injuries Ordinance, 1941 ;
  - (b) " civil defence organisation " means any such organisation as is mentioned in clause 3 of this Scheme ;
  - (c) " Claims Officer " means any authority appointed by the Central or any Provincial Government to make payments under this Scheme ;

Short title and commencement

Interpretation

## THE WAR INJURIES ORDINANCE, 1911

the War Injuries Scheme, 1912, and the provisions shall apply to the tribal areas beyond the frontiers of the North-West Frontier Province applicable and subject to any amendments being subject in British India.

Provided that all references to the Provincial Government shall be construed as references to the Agent to the Governor in the tribal areas:

Provided further that the provisions of the said Scheme shall be adapted to the circumstances not affecting the provisions and adapt them to the circumstances.

## E A D

the power of the Government shall be that the Government may, in the opinion of the Claims Officer, he was working in the specified employment on any of those days immediately preceding the day on which he sustained the injury.

of the public funds" means money provided by the Central or a Provincial Government or by a local authority;

(g) "qualifying injury" means an injury in respect of which a payment under this Scheme may be made.

3. It is hereby declared that the organisations of persons specified in Schedule I to this Scheme are "civil defence organisations" for the purposes of the Ordinance and this Scheme.

4. Subject to the provisions of this Scheme a payment under this Scheme may be made in respect of any injury sustained during the continuance of the present hostilities which is—

- a war service injury sustained by a civil defence volunteer, or
- a war injury sustained by a gainfully occupied person, or
- a war injury sustained by any such other person or person of such other class as may be notified in this behalf by the Central Government, or
- a war injury, causing death, sustained by a person substantially dependant for his livelihood on a pension, annuity or other income ceasing with his death.

THE WAR INJURIES ORDINANCE, 1911 (VII OF 1911)—*contd.*

## PART II.

## TEMPORARY ALLOWANCES.

5. Where a qualifying injury has incapacitated a person for work for a period of not less than seven consecutive days that person shall be entitled to be awarded in respect of that injury an allowance (in this Scheme referred to as a temporary allowance) in accordance with the following provisions of this Scheme.

Award of temporary allowance

6. A temporary allowance shall be payable only for so long as the person to whom it has been awarded is incapacitated for work by the injury in respect of which it has been awarded, and shall in no case be continued after the end of the sixth month from the date on which the injury was sustained.

Conditions of payment of temporary allowance.

7. Temporary allowances shall be paid half-monthly in arrears on the 1st and 16th of each month. If the incapacity for work ceases during a half-monthly period, no payment shall be made unless during that period the incapacity has existed for not less than seven days, in which case the payment shall be proportionately reduced.

Mode of payment

8. Temporary allowances shall, subject to the provisions of clause 32 of this Scheme, be payable at the following rates, namely :—

Rates of temporary allowances.

- (a) where the injury is one for which relief may be given on the higher scale, at the half-monthly rate of nine rupees ;
- (b) in the case of any other injury, at the half-monthly rate of six rupees and twelve annas.

9. A temporary allowance shall cease to be payable to a person on the date on which a disability pension under Part III of this Scheme becomes payable to him.

Temporary allowance not to be drawn with disability pension

10. Any payment by way of temporary allowance not drawn within three months from the date on which it might first have been drawn shall cease thereafter to be payable :

Failure to draw temporary allowance

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the payment, he may condone the delay.

11. When a person, who, but for the provisions of clause 30 of this Scheme, would have been entitled to be awarded a temporary allowance, reaches the age of fifteen before the end of the sixth month from the date on which the qualifying injury was sustained, he shall, subject to all the provisions of this Chapter, then become entitled to be awarded a temporary allowance.

Awards in cases to which clause 30 applies.

## PART III.

## DISABILITY PENSIONS TO PERSONS WHO HAVE SUSTAINED INJURIES CAUSING SERIOUS AND PROLONGED DISABLEMENT.

12. Where a qualifying injury sustained by a person causes him serious and prolonged disablement, he shall be entitled to be awarded in

Disability pension.

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

(d) "competent medical authority" means any medical authority appointed for the purposes of this Scheme by the Provincial Government;

(e) "injury for which relief may be given on the higher scale" means an injury which is—

(i) a war injury sustained by a civil defence volunteer, which is shown to the satisfaction of the Claims Officer to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, or

<sup>1</sup>[(ii) a war injury sustained by a gainfully occupied or other person employed in any occupation specified in this behalf by Government while such person is present in the locality similarly specified with reference to his place of employment, if on the day on which he sustained the injury or on either of the two days immediately preceding that day he was working in the specified employment, or if, in the opinion of the Claims Officer, he was prevented by illness or other reasonable cause from working in the specified employment on any of those days;]

(f) "public funds" means money provided by the Central or a Provincial Government or by a local authority;

(g) "qualifying injury" means an injury in respect of which a payment under this Scheme may be made.

Civil defence organisations for purposes of Ordinance and Scheme

3. It is hereby declared that the organisations of persons specified in Schedule I to this Scheme are "civil defence organisations" for the purposes of the Ordinance and this Scheme.

Injuries in respect of which awards may be made.

4. Subject to the provisions of this Scheme a payment under this Scheme may be made in respect of any injury sustained during the continuance of the present hostilities which is—

(a) a war service injury sustained by a civil defence volunteer, or

(b) a war injury sustained by a gainfully occupied person, or

(c) a war injury sustained by any such other person or person of such other class as may be notified in this behalf by the Central Government, or

(d) a war injury, causing death, sustained by a person substantially dependant for his livelihood on a pension, annuity or other income ceasing with his death.

<sup>1</sup> Subs., Labour Dept. Notfn. No L 1882, dated the 20th February, 1942.

THE WAR INJURIES ORDINANCE, 1911 (VII OF 1911)—*contd.*

## PART II.

## TEMPORARY ALLOWANCES.

5. Where a qualifying injury has incapacitated a person for work for a period of not less than seven consecutive days that person shall be entitled to be awarded in respect of that injury an allowance (in this Scheme referred to as a temporary allowance) in accordance with the following provisions of this Scheme.

Award of temporary allowance.

6. A temporary allowance shall be payable only for so long as the person to whom it has been awarded is incapacitated for work by the injury in respect of which it has been awarded, and shall in no case be continued after the end of the sixth month from the date on which the injury was sustained.

Conditions of payment of temporary allowance.

7. Temporary allowances shall be paid half-monthly in arrears on the 1st and 16th of each month. If the incapacity for work ceases during a half-monthly period, no payment shall be made unless during that period the incapacity has existed for not less than seven days, in which case the payment shall be proportionately reduced.

Mode of payment.

8. Temporary allowances shall, subject to the provisions of clause 32 of this Scheme, be payable at the following rates, namely :—

Rates of temporary allowances.

- (a) where the injury is one for which relief may be given on the higher scale, at the half-monthly rate of nine rupees,
- (b) in the case of any other injury, at the half-monthly rate of six rupees and twelve annas.

9. A temporary allowance shall cease to be payable to a person on the date on which a disability pension under Part III of this Scheme becomes payable to him.

Temporary allowance not to be drawn with disability pension.

10. Any payment by way of temporary allowance not drawn within three months from the date on which it might first have been drawn shall cease thereafter to be payable :

Failure to draw temporary allowance.

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the payment, he may condone the delay.

11. When a person, who, but for the provisions of clause 30 of this Scheme, would have been entitled to be awarded a temporary allowance, reaches the age of fifteen before the end of the sixth month from the date on which the qualifying injury was sustained, he shall, subject to all the provisions of this Chapter, then become entitled to be awarded a temporary allowance.

Awards in cases to which clause 30 applies.

## PART III.

## DISABILITY PENSIONS TO PERSONS WHO HAVE SUSTAINED INJURIES CAUSING SERIOUS AND PROLONGED DISABLEMENT.

12. Where a qualifying injury sustained by a person causes him serious and prolonged disablement, he shall be entitled to be awarded in

Disability pension.



THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

respect of that injury a pension (in this Scheme referred to as a disability pension) in accordance with the following provisions of this Scheme.

13. (1) For the purpose of assessing the rate of disability pension, disablements shall be expressed in percentages as set forth in Schedule II to this Scheme. Where there is more than one disablement the total disablement shall be expressed as the sum of the disablements, so however, as not in any case to exceed 100 per cent.

(2) When the wound, injury or illness causing the disablement is one not provided for in Schedule II to this Scheme the disablement shall be estimated by a competent medical authority at the percentage shown in the said Schedule most closely corresponding to it.

14. (1) Where the disablement resulting from a qualifying injury is expressed or estimated as 20 per cent, or over, a disability pension shall, subject to the provisions of clause 32, be awarded at the following rates, namely :—

Where the percentage of disablement is	If the injury is one for which relief may be given on the higher scale.	If the injury is not one for which relief may be given on the higher scale.
	Rs. per mensem.	Rs. per mensem.
100	18	13 8 0
90	16	12 0 0
80	14	10 8 0
70	13	9 12 0
60	11	8 4 0
50	9	6 12 0
20 to 40	8	6 0 0

(2) Where the disablement is not more than 50 per cent., the Claims Officer may, if he is satisfied that the injured person is not debarred from all means of livelihood, substitute for the disability pension a lump sum payment calculated at 70 times the monthly payment specified in the foregoing sub-clause.

15. (1) If before the end of the sixth month from the date on which the injury was received, the competent medical authority certifies that the disablement caused to a person by a qualifying injury is permanent and incapable of diminution, the Claims Officer may at once award to that person, in accordance with sub-clause (1) of clause 11, a disability pension payable for life, or in accordance with sub-clause (2) of clause 11, a lump sum payment.

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

communal life with, or to contribute to the support of, other living eligible members.

(2) The father shall not be eligible if at the time of the qualifying injury he is below the age of 50, unless he is physically or mentally unable to support himself, but he becomes eligible on attaining the age of 50.

(3) The mother shall not be eligible if at the time of the qualifying injury the father of the deceased is still alive, but shall become eligible on his death for so long as she remains unmarried. If she is a widow at the time of the qualifying injury she shall continue to be eligible only so long as she remains unmarried. If at the time of the qualifying injury she was already remarried to a husband other than the father of the deceased she shall be eligible and shall continue to be eligible if thereafter widowed for so long as she remains unmarried.

(4) A son shall not be eligible if he is above the age of 15 unless he is physically or mentally unable to support himself.

(5) A daughter shall not be eligible, if she has a husband living, or marries.

22. (1) Where there are surviving eligible members of more than one of the classes specified in the list in clause 20, the family pension shall be payable to the member specified earliest in that list, of two or more widows the longest married taking precedence, and of two or more children the eldest taking precedence.

Family pension by whom to be received.

(2) Where there is no widow surviving and the family pension has not been made payable to the father of the deceased solely because the father had not yet reached the age of fifty, it shall, unless it has under the provisions of sub-clause (3) of this clause ceased to be payable, be made payable to him on his attaining the age of fifty, subject to the sub-clause next following.

(3) When the member to whom the family pension is payable under the foregoing provisions of this clause dies or ceases to be eligible, then, whether there are other eligible members surviving or not the family pension shall cease altogether to be payable except as provided in clause 25.

(4) No claim to receive a family pension shall be entertained if made by a member who has, by the time the claim is preferred, already ceased to be eligible.

23. A family pension when awarded shall become payable as from the day following that on which the qualifying injury causing the death was sustained :

Date from which family pension taken effect.

Provided that where the family member, to whom the pension would have been payable on that day, has, before the Claims Officer has made the award, died or ceased to be eligible and the pension has consequently become payable to another member, the pension shall be payable to the last mentioned member as from the day following that on which the first mentioned member died or ceased to be eligible, and the arrears from

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

## PART IV.

## FAMILY PENSIONS AND CHILDREN'S ALLOWANCES.

Family  
pensions and  
children's  
allowances,  
purpose and  
amount.

19. (1) When a person dies as the result of a qualifying injury, there shall be payable, in accordance with the following provisions of this Scheme :—

- (a) to one surviving eligible member of his family a pension, in this Scheme referred to as a family pension, and
- (b) to each of his legitimate children an allowance in this Scheme referred to as a child's allowance.

(2) A family pension, though payable to one surviving eligible member of a family only, is intended for the support of all surviving eligible members of the family.

(3) The amount of a family pension shall, subject to the provisions of clause 32 of this Scheme, be eight rupees monthly.

(4) The amount of the child's allowance shall subject to the provisions of clause 32 of this Scheme, be two rupees monthly for each child so long as a family pension continues to be paid to any surviving eligible member of the family, and three rupees monthly for each child if no family pension is being paid.

(5) If the person to whom a family pension is payable is a minor, the pension shall be paid for the benefit of the eligible members of the family to the legal guardian of such a person.

(6) A child's allowance payable to a minor child shall, unless the Claims Officer otherwise directs, be paid for the benefit of the child to the person to whom the family pension under the award is payable or, if such person is himself a minor or if no family pension is payable under the award, to the legal guardian of the child.

Members of a  
family who  
are eligible

20. "Eligible member of a family" means, in relation to a person dying as the result of a qualifying injury,—

- (i) his widow lawfully married by a valid ceremony ;
- (ii) his father ;
- (iii) his mother ;
- (iv) a legitimate son but not an adopted son ;
- (v) a legitimate daughter but not an adopted daughter ;

provided in each case that none of the conditions necessary for eligibility under clause 21 is infringed.

Conditions of  
eligibility.

21. The following are the conditions governing the eligibility of the five classes of persons mentioned in clause 20 :—

(1) A widow shall not be eligible if she remarries, unless such marriage is with her deceased husband's brother and she continues to live a

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

communal life with, or to contribute to the support of, other living eligible members.

(2) The father shall not be eligible if at the time of the qualifying injury he is below the age of 50, unless he is physically or mentally unable to support himself, but he becomes eligible on attaining the age of 50.

(3) The mother shall not be eligible if at the time of the qualifying injury the father of the deceased is still alive, but shall become eligible on his death for so long as she remains unmarried. If she is a widow at the time of the qualifying injury she shall continue to be eligible only so long as she remains unmarried. If at the time of the qualifying injury she was already remarried to a husband other than the father of the deceased she shall be eligible and shall continue to be eligible if thereafter widowed for so long as she remains unmarried.

(4) A son shall not be eligible if he is above the age of 15 unless he is physically or mentally unable to support himself.

(5) A daughter shall not be eligible, if she has a husband living, or marries.

22. (1) Where there are surviving eligible members of more than one of the classes specified in the list in clause 20, the family pension shall be payable to the member specified earliest in that list, of two or more widows the longest married taking precedence, and of two or more children the eldest taking precedence.

Family pension by whom to be received.

(2) Where there is no widow surviving and the family pension has not been made payable to the father of the deceased solely because the father had not yet reached the age of fifty, it shall, unless it has under the provisions of sub-clause (3) of this clause ceased to be payable, be made payable to him on his attaining the age of fifty, subject to the sub-clause next following.

(3) When the member to whom the family pension is payable under the foregoing provisions of this clause dies or ceases to be eligible, then, whether there are other eligible members surviving or not the family pension shall cease altogether to be payable except as provided in clause 25.

(4) No claim to receive a family pension shall be entertained if made by a member who has, by the time the claim is preferred, already ceased to be eligible.

23. A family pension when awarded shall become payable as from the day following that on which the qualifying injury causing the death was sustained :

Date from which faml pension tak effect.

Provided that where the family member, to whom the pension would have been payable on that day, has, before the Claims Officer has made the award, died or ceased to be eligible and the pension has consequently become payable to another member, the pension shall be payable to the last mentioned member as from the day following that on which the first mentioned member died or ceased to be eligible, and the arrears from

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

the day following that on which the qualifying injury occurred up to the day on which the first mentioned member died or ceased to be eligible shall, subject to the provisions governing the payment of belated claims, be paid to the first mentioned member or his estate :

Provided further that if, before the Claims Officer has made the award, all the members who were eligible on the day following that on which the qualifying injury occurred have died or ceased to be eligible, the Claims Officer shall have full power to dispose of any arrears as he may think fit.

Division of  
family  
pensions

24. (1) If the Claims Officer is satisfied, on application made to him, that the member to whom a family pension is payable refuses to contribute reasonable to the support of the other eligible members of the family or that a family pension payable to a child is not being utilised for the benefit of the other eligible member of the family, he may divide the pension at his discretion among all the eligible members and make it payable as so divided to each member individually.

(2) Any such division shall not affect the provisions contained in sub-clause (3) of clause 22 but, so long as the member to whom the pension is originally awarded continues to be alive and eligible, if any member receiving one of the divided portions of the pension dies or ceases to be eligible, his share shall be added to the amount distributable to the member or members still surviving and eligible.

(3) A division under this clause shall not ordinarily be made at the instance of children in receipt of children's allowances, but the Claims Officer may even in such a case at his discretion make a division of the family pension to avert special hardship.

Continuance of  
family pension

25. (1) A family pension which ceases to be payable under sub-clause (3) of clause 22 may, either in whole or in part, be continued by the Claims Officer or be made again payable, if he is satisfied that by the cessation of the pension the father or mother of the deceased or both who would but for the operation of that sub-clause have been at the time eligible members of the family, are left destitute.

(2) If the Claims Officer decides to continue or restore a family pension under the foregoing provisions of this clause, the pension shall be payable, from such date as the Claims Officer may fix, not being earlier than the date on which the application for continuance or restoration is first received by the Claims Officer, to the father if living and would have been eligible at the time but for the operation of sub-clause (3) of clause 22 or, if the father is not living, to the mother if she would have been eligible at the time but for the operation of these sub-clauses ; but the amount of the pension shall be reduced by the amount of any income from permanent sources available to the father or mother or both.

(3) A family pension so continued or restored shall cease altogether to be payable when the person to whom it is continued or restored dies or ceases to be eligible.

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

26. A child's allowance shall cease to be payable—

- (a) to a male on his attaining the age of 15, and  
(b) to a female on her attaining the age of 16 or on her marriage, whichever of these dates is the later :

Duration of payment of children's allowances.

Provided that the Claims Officer may, if satisfied that the person to whom the allowance is payable is physically or mentally unable to support himself, continue the allowance, so however that it shall cease to be payable to a female on her marriage.

27. Family pensions and children's allowances shall be paid quarterly in arrears :

Mode of payment of family pensions and children's allowances.

Provided that, if the Claims Officer considers that this course might result in hardship in any particular case, he may order that the pension or allowance shall be payable monthly in arrears.

28. No award of family pension or child's allowance shall be made in any case where the death giving rise to the claim occurs more than seven years after the date on which the qualifying injury causing the death was sustained.

No award when death occurs more than seven years after injury.

29. Where a family pension or a child's allowance which has been awarded has not been drawn for a continuous period of not less than 12 months the Claims Officer shall cancel the award, and no payment of the arrears of that pension or allowance shall be made :

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the pension or allowance during each period he may condone the failure

## PART V.

## PROVISIONS APPLICABLE TO AWARDS GENERALLY.

30. No payment under this Scheme shall, save as provided in clauses 11 and 18, be made in respect of any war injury sustained by a gainfully occupied person who is under the age of fifteen.

No awards in respect of war injuries to gainfully occupied persons under fifteen years of age.

31. (1) Except where the Claims Officer is otherwise directed, an award under this Scheme and within the following periods, namely :—

- (a) where the claim is for a temporary allowance to a person incapacitated for work, a period of three months from the date of the qualifying injury, or if the incapacity first supervened after that period, a period of three months from the inception of the incapacity ;  
(b) where the claim is for a disability pension, a period of three months from the date of the qualifying injury, or if the

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

injury necessitated immediate treatment in hospital, a period of three months from the date of discharge from hospital ;

- (c) where the claim is for a family pension or child's allowance, a period of three months from the date of the death of the person whose death gave rise to the claim.

(2) The Claims Officer may refuse to entertain any application for any allowance or pension under this scheme in respect of a qualifying injury sustained by a person who has, without sufficient cause, failed to present himself for treatment at a hospital, dispensary or first-aid post.

Limitations on  
amount of  
awards

32. (1) The amount awarded to a person as temporary allowance when incapacitated or as disability pension when disabled shall be subject to the following modifications, namely :—

- (a) where such person is a woman, the amount shall be reduced by 20 per cent. ;
- (b) while such person is under the age of 18, the amount which would otherwise be payable shall be reduced by 25 per cent. ;
- (c) while such person is under treatment in a hospital, the amount which would otherwise be payable shall be reduced by 20 per cent.

(2) The amount awarded as family pension or children's pensions or

per cent.

Payment under  
this Scheme  
not to be  
drawn in addi-  
tion to other  
payment from  
public funds

33. Where the person entitled to a temporary allowance, disability pension, family pension or child's allowance in respect of a qualifying injury is in receipt of a pension or allowance from public funds paid to him by reason of his having sustained that qualifying injury or, as the case may be, by reason of the death of another person as the result of that qualifying injury, he shall be allowed to draw only the amount, if any, by which the pension or allowance to which he is entitled under this Scheme exceeds the pension or allowance referred to, received by him from public funds.

Two payments  
under this  
Scheme not to  
be drawn by  
same person.

34. No person in receipt of an allowance or pension under this Scheme shall be allowed to draw another allowance or pension of a different kind under this Scheme until the allowance or pension previously drawn is surrendered.

Awards when  
not to be  
made.

35. (1) No award under this Scheme shall be made in respect of—

- (a) an injury sustained whether in or outside British India by a person resident outside British India, or
- (b) an injury sustained by a person ordinarily resident in British India while absent from British India for personal, domestic or pleasure purposes :

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

Provided that nothing in this sub-clause shall preclude the making of an award in respect of—

- (i) a war injury sustained by a civil defence volunteer, or
- (ii) a war injury sustained by a person ordinarily resident in British India while travelling by sea or by air between any one place in British India and any other place in British India, or
- (iii) a war injury sustained in British India by a person ordinarily resident outside British India.

(2) The Claims Officer may withhold or cancel the award of any payment under this Scheme, if he is satisfied that the person to whom the award might be or has been made is or has become ordinarily resident outside British India

36. Where the qualifying injury or where the incapacity for work, disablement or death resulting from a qualifying injury is shown to the satisfaction of the Claims Officer to be mainly attributable to the negligence or misconduct of the person sustaining the injury, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of their injury or may reduce the amount of the award. Effect of contributory negligence.

37. When the person sustaining a qualifying injury is a member of a civil defence organisation and it is shown to the satisfaction of the Claims Officer that such person when required by Government order to be present in a certain locality or at a certain post failed to be present or being present failed to remain in that locality or at that post, as the case may be, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury. Effect of desertion of post by member of civil defence organisation.

38. Where a person who has sustained a qualifying injury refuses to undergo medical treatment or an operation calculated to restore his health or to cure or reduce a disablement caused by the qualifying injury, and a competent medical authority certifies that such refusal is in the circumstances unreasonable, then— Effect of refusal to undergo medical treatment or operation.

- (a) if the person dies, and a competent medical authority certifies that the death was due to the refusal to undergo medical treatment or an operation, no family pension or child's allowance shall be awarded ;
- (b) if a competent medical authority certifies that medical treatment or an operation will cure the disablement caused by the qualifying injury, no disability pension shall be awarded ; and
- (c) if a competent medical authority certifies that medical treatment or an operation will reduce the disablement to a lower percentage, a disability pension appropriate to that lower percentage only shall be awarded.



THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

Obligation  
to submit to  
medical  
examination.

39. (1) Any person in receipt of a temporary allowance or disability pension shall, if required by the Claims Officer by notice in writing so to do, submit himself for medical examination by the competent medical authority :

Provided that a person shall not be required so to present himself—

- (a) if in receipt of a temporary allowance, at intervals of less than two months, or
- (b) if in receipt of a disability pension which has not been awarded for life, at intervals of less than six months, or
- (c) if in receipt of a disability pension which has been awarded for life, at intervals of less than two years.

(2) Where any person refuses or, without reasonable cause, fails to submit himself for medical examination when required so to do under sub-clause (1), the Claims Officer may cancel, with effect from the date of such refusal or failure, the award of allowance or pension made to that person.

(3) Where the award has been cancelled under sub-clause (2), the Claims Officer may refuse to entertain any subsequent application for an allowance or pension under this Scheme in respect of the injury for which the cancelled award was made.

Where payee  
is incapable  
of managing  
his own  
affairs.

40. If the person to whom a pension or allowance under this Scheme has been awarded has not attained the age of eighteen years, or if he is, in the opinion of the Claims Officer, mentally infirm so as to be incapable of managing his own affairs, or if in any other case the Claims Officer considers it in the interest of that person, the Claims Officer may, either of his own motion or on application made to him, pay the pension or allowance to any other person whom the Claims Officer thinks best fitted to provide for the welfare of the person to whom the award has been made, or may apply the amount in any other manner for his benefit.

Cancellation  
of award on  
conviction for  
an offence.

41. Where a person to whom a pension or allowance under this Scheme might be or has been awarded is convicted by a Court of an offence and sentenced to a term of imprisonment or detention in a Borstal school, the Claims Officer may withhold or cancel the award.

Claims Officer's  
power to  
review and  
alter awards.

42. The Claims Officer may at any time review any award made under this Scheme and if it appears to him [that] by reason of a mistake of fact or of the circumstances of the person to whom the award was made, or for whatsoever it is expedient so to do, he may increase or reduce the rate of any pension or allowance awarded or cancel the award or make a fresh award ;

Provided that no pension or allowance shall be increased beyond the limits specified in, or for the purposes of, this Scheme.

<sup>1</sup> Ins., Labour Dept. Notfn. No. L-1832 (1), dated the 12th March 1942.

<sup>2</sup> *Subs., ibid.*



THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

39. (1) Any person in receipt of a temporary allowance or disability pension shall, if required by the Claims Officer by notice in writing so to do, submit himself for medical examination by the competent medical authority :

Provided that a person shall not be required so to present himself—

(a) if in receipt of a temporary allowance, at intervals of less than two months, or

(b) if in receipt of a disability pension which has not been awarded for life, at intervals of less than six months, or

(c) if in receipt of a disability pension which has been awarded for life, at intervals of less than two years.

(2) Where any person refuses or, without reasonable cause, fails to submit himself for medical examination when required so to do under sub-clause (1), the Claims Officer may cancel, with effect from the date of such refusal or failure, the award of allowance or pension made to that person.

(3) Where the award has been cancelled under sub-clause (2), the Claims Officer may refuse to entertain any subsequent application for an allowance or pension under this Scheme in respect of the injury for which the cancelled award was made.

40. If the person to whom a pension or allowance under this Scheme has been awarded has not attained the age of eighteen years, or if he is, in the opinion of the Claims Officer, mentally infirm so as to be incapable of managing his own affairs, or if in any other case the Claims Officer considers it in the interest of that person, the Claims Officer may, either of his own motion or on application made to him, pay the pension or allowance to any other person whom the Claims Officer thinks best fitted to provide for the welfare of the person to whom the award has been made, or may apply the amount in any other manner for his benefit.

41. Where a person to whom a pension or allowance under this Scheme might be or has been awarded is convicted by a Court of an offence and sentenced to a term of imprisonment or detention in a Borstal school, the Claims Officer may withhold or cancel the award.

42. The Claims Officer may at any time review any award made under this Scheme and if it appears to him [that] by reason of a mistake of fact or a change in the condition or circumstances of the person to whom the award [was] made or for any other reason whatsoever it is expedient so to do, he may increase or reduce the rate of any pension or allowance awarded or cancel the award or make a fresh award ;

Provided that no pension or allowance shall be increased beyond the limits specified in, or for the purposes of, this Scheme.

<sup>1</sup> *Ina.*, Labour Dept. Notfn. No. L-1532 (1), dated the 12th March 1942.

<sup>2</sup> *Euls.*, 151d.

THE WAR INJURIES ORDINANCE, 1911 (VII OF 1911)—*contd.*

43. All matters falling to be decided under this Scheme in connection with the award of payments under the Scheme shall, where other specific provision is not made in this Scheme, be decided by the Claims Officer; but in all matters relating to the extent or effect of injuries, the existence or non-existence of incapacity for work, and degrees of disablement, the Claims Officer shall decide in accordance with the opinion of, or a certificate given by, a competent medical authority. Decisions under this Scheme

[43-A. (1) An authority appointed in this behalf by the Provincial Government may, if it thinks fit and subject to sub-clause (2), review any award made or order passed under this Scheme by a Claims Officer. Reviewing authority.

(2) The provisions of clauses 42 and 43 shall apply *mutatis mutandis* to reviews under sub-clause (1) ]

44. The Central Government may at any time by notification in the official Gazette alter the rate of payments which may be awarded under this Scheme. Power of Central Government to vary rates.

45. Exceptional cases of hardship not covered by the provisions of this Scheme may be submitted by [the Provincial Government or] the Claims Officer to the Central Government which may make such orders as it thinks fit. Exceptional cases of hardship.

46. The Central Government may, subject to the approval of the Central Government, make such orders as it thinks fit, for the purpose of providing for the payment for Payment for  
 who have sustained qualifying injuries.

47. The Central Government may make regulations for giving effect to the purposes of this Scheme. Power of Central Government to make regulations

### SCHEDULE I.

1. The following organisations when established by the Provincial Government :—

- (a) Auxiliary Fire Service.
- (b) Control and Report Service.
- (c) Air-raid Warden Service.
- (d) Fire Prevention Service.
- (e) First-aid, Casualty and Ambulance Service.
- (f) Rescue Service.
- (g) Gas identification Service.
- (h) Decontamination Service.
- (i) Messenger Service.
- (j) Instructor Service.
- (k) Mortuary Service.

<sup>1</sup> Ins., Labour Dept. Notfn. No L-1812 (1), dated the 12th March 1942.

<sup>2</sup> Added, Labour Dept. Notfn. No L-1882, dated the 16th March 1942.

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*SCHEDULE I.—*contd.*

2. The following organisations when recognised for the purposes of this Scheme by the Central or Provincial Government :—

Private Organisations to carry out any of the following services :—

- (i) Decontamination Service.
- (ii) Messenger Service.
- (iii) Fire Service.
- (iv) Raid Spotter Service.
- (v) Keymen Service.
- (vi) Public Utility Emergency Repairs Service.
- (vii) Auxiliary Nursing Service (A. R. P. Branch).
- <sup>1</sup>[(viii) Control and Report Service.
- (ix) Air-raid Warden Service.
- (x) Fire Prevention or Watchers Service.
- (xi) First-aid, Casualty and Ambulance Services (including drivers).
- (xii) Rescue Service.
- (xiii) Instructor Service.]
- <sup>1</sup>[3. The Civil Pioneer Force.]

## SCHEDULE II.

(i) For the purpose of the assessment of the rate of disability pension, disabilities shall be expressed in percentages as follows :—

Serial No.	Specific injury.	Per cent.
1	Loss of two or more limbs . . . . .	100
	Loss of an arm and an eye . . . . .	
	Loss of a leg and an eye . . . . .	
	Loss of both hands or of all fingers and thumbs . . . . .	
	Loss of both feet . . . . .	
	Loss of a hand and a foot . . . . .	
	Loss of two or more limbs . . . . .	
	Total loss of sight . . . . .	
	Total paralysis . . . . .	
	Lunacy . . . . .	
	Wounds, injuries or disease resulting in disabled man being permanently bed ridden.	
	Wounds of, or injuries to, internal, thoracic or abdominal organs, involving total permanent disabling effects.	
	Wounds of, or injuries to, head or brain involving total permanent disabling effects or Jacksonian epilepsy.	
	Very severe facial disfigurement . . . . .	
	Advanced cases of incurable disease . . . . .	

<sup>1</sup> Added, Labour Dept. Notfn. No. L-1892, dated the 16th March 1942

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*SCHEDULE II—*contd.*

Serial No.	Specific injury.	Per cent.
2	Amputation of right arm through shoulder . . . . . Amputation of leg at hip or below hip with stump not exceeding 5 inches in length measured from tip of great trochanter; of right arm below shoulder with stump not exceeding 6 inches measured from tip of acromion; or of left arm through shoulder.	90
3	Lisfranc operation, both feet . . . . . Amputation of leg below hip with stump exceeding 5 inches in length measured from tip of great trochanter but not below middle thigh or left arm below shoulder with stump not exceeding 6 inches measured from tip of acromion; or of right arm below shoulder with stump exceeding 6 inches measured from tip of acromion, through elbow, or below elbow, with stump not exceeding 5 inches measured from tip of olecranon.	80
4	Severe facial disfigurement . . . . . Total loss of speech .	70
5	Total deafness . . . . . Amputation of leg below knee with stump exceeding 4 inches . . . . .	60
6	Amputation of left arm below elbow with stump exceeding 5 inches measured from tip of olecranon. Loss of thumb or four fingers of right hand . . . . . Loss of vision of one eye . . . . .	50
7	Lisfranc operation, one foot . . . . . Loss of all toes, both feet above knuckle . . . . . Loss of thumb or four fingers of left hand or three fingers of right hand.	40
8	Loss of all toes of one foot above knuckle . . . . . Loss of all toes of both feet at or below knuckle . . . . .	30
9	Limited restriction of movement of joints through injury without penetration, limited function of limb through fracture. Loss of two fingers of either hand . . . . . Compound fracture of thumb or two or more fingers of either hand with impaired function.	20

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

9. The Claims Officer, on receiving an application for an allowance or pension under the Scheme and after considering the reports and certificates pertaining to the case and after obtaining such other evidence, if any, as he considers necessary, shall make his award in Form G. He shall briefly record separately the reasons for his award. A signed copy of the award shall be given to the person to whom the award is made and another copy shall be sent to the post office where the payment is to be made.

10. The Claims Officer [or the authority appointed under clause 43A of the Scheme] shall have the power to examine witnesses and call for such evidence as he considers necessary in the same manner as a civil court under the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), and shall have, in particular, the powers conferred by section 32 of that Code.

11. (a) All allowances and pensions under the Scheme shall be payable at the post office within whose jurisdiction the payee ordinarily resides.

(b) All allowances and pensions shall be drawn within one month of the date when they are due. The Postmaster concerned may, however, at his discretion, make payment of full arrears within one year of the due date. The Postmaster-General of the Circle within which the post office is situated may at his discretion sanction the grant of any arrears.

(c) All such payments shall from time to time be endorsed on the award by the Postmaster.

12. On an application made to him by or on behalf of the holder of an award of any pension or allowance, the Claims Officer may, for sufficient reason, transfer the place of payment and shall endorse the award accordingly. He shall also inform the post offices concerned of the transfer so effected.

13. (a) With every award when presented for payment, there shall be produced a certificate of life pertaining to the beneficiary or beneficiaries under the award, signed by a Gazetted Officer \*[(in service or retired)] of Government, a Magistrate or a Police Officer not below the rank of a Sub-Inspector. Where the claimant is undergoing treatment as an in-patient at a hospital or dispensary, the certificate shall be signed by the person in charge thereof :

Provided that where a beneficiary is present at the time of payment of an allowance or pension under the Scheme, no life certificate in respect of him shall be required but his identity shall be proved to the satisfaction of the Postmaster.

(b) On every occasion when the award of a family pension or of a family pension and children's allowance is presented for payment, the person to whom the same is payable shall give a certificate in Form H.

\* Ins., Labour Dept. Notfn. No. L-1842(2), dated the 12th March 1942.

\* Ins., Labour Dept. Notfn. No. L-1842, dated the 23th March 1942.

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

14. (a) If any person to whom any pension or allowance is payable ceases under any of the provisions of the Scheme to be eligible to receive the same, or if any circumstances arise since the making of the award or last modification thereof to require under any of the said provisions the cancellation or modification of the award, a report shall forthwith be made to the Claims Officer by the person to whom the pension or allowance has hitherto been payable, and pending the orders of the Claims Officer on such report, the award shall not be presented for any further payment thereon. Reports of  
ineligibility.

(b) On receipt of any such report, the Claims Officer shall, after making such inquiries, if any, as he may deem necessary, cancel or modify the award in accordance with the provisions of the Scheme, and shall inform the post office of payment accordingly.



**THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—contd.**  
**FORM B-1.**

<p>This copy to be retained in Hospital.</p> <p align="center"><b>WAR CASUALTY.</b>  <i>In patient Book.</i></p>	<p>This copy to be sent to War Injuries Claims Officer through local A. R. P. Headquarters.</p> <p align="center"><b>WAR CASUALTY.</b>  <i>In-patient Book.</i></p>
<p>Hospital.                      No.</p> <p>Town and District.</p> <p>Date of admission.</p> <p>Name.                      Age.                      Sex.</p> <p>Father's or Husband's name.</p> <p>Community.                      Caste.</p> <p>Address.</p> <p>Occupation (Note if C.D.V.).</p> <p>Where first treated (with date).</p> <p>F.A.Post at. .... .</p> <p>By whom brought.</p> <p>Date of injury.</p> <p>Name and probable cause of injury.          (Note if gassed).</p> <p>Name and address of next of kin.</p> <p>Date of <u>discharge.</u>          transfer to out patient Department</p>	<p>Hospital.                      No.</p> <p>Town and District.</p> <p>Date of admission.</p> <p>Name.                      Age.                      Sex.</p> <p>Father's or Husband's name.</p> <p>Community.                      Caste.</p> <p>Address.</p> <p>Occupation (Note if C.D.V.)</p> <p>Where first treated (with date).</p> <p>F.A.Post at. .... .</p> <p>By whom brought.</p> <p>Date of injury.</p> <p>Name and probable cause of injury.          (Note if gassed).</p> <p>Name and address of next of kin.</p> <p>Date of <u>discharge</u>          transfer to out-patient Department.</p>
<p align="right">Medical Officer.</p>	<p align="right">Medical Officer.</p>

THE WAR INJURIES ORDINANCE, 1911 (VII OF 1911)—*contd.*

## FORM B-2.

This copy to be retained in Hospital.	This copy to be sent to the Claims Officer through local A. R. P. Headquarters.	This copy to be given to the Patient.
WAR CASUALTY. <i>Out-patient Book.</i>	WAR CASUALTY. <i>Out-patient Book.</i>	WAR CASUALTY. <i>Out patient Book.</i>
<u>Hospital</u> <u>Dispensary</u> No.	<u>Hospital</u> <u>Dispensary</u> No.	<u>Hospital</u> <u>Dispensary</u> No.
Town and District.	Town and District.	Town and District.
Name.                      Age.	Name.                      Age.	Name.                      Age.
Father's or Husband's name.	Father's or Husband's name.	Father's or Husband's name.
Community.      Caste.	Community.      Caste.	Community.      Caste.
Address.	Address.	Address.
Occupation (note if C. D. V.)	Occupation (note if C.D.V.)	Occupation (note if C.D.V.).
Where first treated (with date)	Where first treated (with date)	Where first treated (with date).
F. A. Post.	F A Post.	F. A. Post.
Casualty Book No.	Casualty Book No.	Casualty Book No.
Whether <i>ex-in-patient</i> .	Whether <i>ex-in-patient</i> .	Whether <i>ex-in-patient</i> .
Date of injury.	Date of injury.	Date of injury.
Probable cause of injury.	Probable cause of injury.	Probable cause of injury.
Date of 1st treatment in O. P. D.	Date of 1st treatment in O. P. D.	Date of 1st treatment in O. P. D.
Whether incapacitated for work.	Whether incapacitated for work.	Whether incapacitated for work.
Medical Officer. Date.	Medical Officer. Date.	Medical Officer. Date.
	(Over)	

THE WAR INJURIES ORDINANCE, 1911 (VII OF 1911)—*contd.*FORM B 2—*contd.*

<p>Keep this carefully and take it with you when you go to the Hospital.</p> <p><i>Dates for further treatment and Discharge.</i></p>		<p>To be kept in the Hospital and filled up on each occasion when the patient is treated.</p> <p>When discharged, with "Discharged" and the date.</p> <p><i>Particulars of any refusal to undergo treatment should be noted.</i></p>	
Date.	Whether incapacitated for work.	Signature of M. O.	<p>Date.</p> <p>Dates of further treatment and Discharge.</p> <p>Whether incapacitated for work.</p> <p>Signature of M. O.</p>

THE WAR INJURIES ORDINANCE, 1911 (VII OF 1911)—*contd.*

FORM B-3.

WAR CASUALTY.

*Discharge Certificate.*

Name (Capitals): Age:

Father's or Husband's name:

Address:

Was under  $\frac{\text{In-}}{\text{Out-}}$ patient treatment from to

at  $\frac{\text{Hospital}}{\text{Dispensary}}$ .

Town..... District .....

Casualty Book No. .... Out-patient Record No. ....

In-patient Record No. . . . .

Suffering from.....  
.....

the result of war injury on

at

and was discharged on

Date.....

Medical Officer,

.....Hospital.

THE WAR INJURIES ORDINANCE, 1911 (VII OF 1911)—*contd.*FORM B-3—*contd.*

## REVERSE.

*This form should be prepared in triplicate :*(1) *for the patient, (2) for the War Injuries Claims Officer,*(3) *for the Hospital Record, or to be placed in large envelope.*(Signature or Thumb Impression of the patient on this to act as a receipt.)  
\_\_\_\_\_

- |   |  |
|---|--|
| 1. Whether patient refused to undergo any medical treatment                           | <u>YES</u><br><u>NO</u>                    |
| 2. Whether still incapacitated for work   | <u>YES</u><br><u>NO</u>                    |
| 3. Particulars of disability due to war injury still continuing, if any.....<br>..... |  |
| 4. Whether disability is capable of improvement                                       | <u>YES</u><br><u>NO</u><br><u>DOUBTFUL</u> |

Medical Officer.

THE WAR INJURIES ORDINANCE, 1911 (VII OF 1911)—*contd.*

## FORM B-4.

## WAR CASUALTY.

*Cover for Medical History Documents.*

Full Name (in capitals),	Father's or Husband's name.

Community :

Caste :

Age :

Occupation :

(Note if C. D. V.)

Address

Date and place of injury

Name and address of next of kin

In patient Record No . . . . .

Name of Hospital, Town and District.	Date of		Admission Record No.
	Admission.	Discharge or Transfer.	

This envelope will be managed by the hospital to which it is sent.

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

## FORM B-5.

Statement of In- patients with war injuries under treatment

on the 10 <sup>10</sup> of 10 .

Serial No.	Name.	Father's or Husband's name.	Age and sex. M F.	Community.	Caste.	Whether out-patient (O. P.) or in patient (I. P.)	No. in I. P. Book.	No. in O. P. Book and date of last treatment.	Whether incapacitated for work on date of last treatment.	Remarks.

Notes.—1. If an out patient fails to attend for a period of 14 days the fact should be noted in the "Remarks" column.  
 2. If a patient fails to attend for one month the fact should be noted, and his name should not be included in later lists.

Medical Officer,

Dispensary.

Hospital.

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

FORM C.

Application for Temporary Allowance.

Claimant's full name (in capitals)

Name of Father (in the case of married woman,  
of husband)

Age

Date of birth

Caste

Profession

Residence

Nationality

What rate of allowance is claimed and justification  
for the claim.

Income before injury and source of the income.

Income after injury and source of the income.

Place where injury sustained.

Date of injury.

Cause of injury in detail

Details of injury.

Whether attended to by A. R. P. volunteer, civic guard, police or other organisation;  
if so, details.

If taken to dispensary or hospital, which and when.

If discharged from dispensary or hospital, when.

Did the injured person refuse medical treatment at a hospital or dispensary, and, if so,  
why?

If attended to at residence by a medical practitioner, details of place where treated and  
name of medical practitioner.

Period of incapacity of work.



THE WAR INJURIES ORDINANCE, 1911 (VII OF 1911)—*contd.*FORM C—*contd.*

If temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1911 (other than that referred to above).

I desire to draw the allowance, if sanctioned, at \_\_\_\_\_  
Post Office.

(Signature of claimant).

Applicant's name \_\_\_\_\_

Father's or husband's name \_\_\_\_\_

Community or caste \_\_\_\_\_

In patient Book No \_\_\_\_\_

Out patient Book No \_\_\_\_\_

Date of admission as in patient \_\_\_\_\_

Date of first treatment as out-patient \_\_\_\_\_

If discharged, date of discharge \_\_\_\_\_

Period during which, according to the hospital records, the applicant was incapacitated for work (dates)—From \_\_\_\_\_ to \_\_\_\_\_

Whether at present incapacitated for work and, if so, probable period during which incapacity will continue. \_\_\_\_\_

Did patient refuse any medical treatment? If so, give particulars. \_\_\_\_\_

Medical Officer,

Date \_\_\_\_\_

Hospital  
Dispensary.

THE WAR INJURIES ORDINANCE, 1911 (VII OF 1911)—*contd.*

## FORM D.

## Application for Disability Pension.

Claimant's full name (in capitals).

Name of Father (in the case of married woman, of husband).

Age.

Date of birth.

Caste.

Profession.

Residence.

Nationality.

What rate of pension is claimed and justification for the claim.

Income before injury and source of the income.

Income after injury and source of the income.

Place where injury sustained.

Date of injury.

Cause of injury in detail.

Details of injury.

Whether attended to by A. R. P. volunteer, civic guard, police or other organisation ; if so, details.

If taken to dispensary or hospital, which and when.

If discharged from dispensary or hospital, when.

Did the injured person refuse medical treatment at a hospital, or dispensary and, if so, why ?

If attended to at residence by a medical practitioner, details of place where treated and name of medical practitioner.

If any temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof

I desire to draw the pension, if sanctioned, at \_\_\_\_\_  
Post Office.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1911 (other than that referred to above).

(Signature of claimant).

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

## FORM E.

## Certificate of Disability.

Medical Authority.

Name of injured person (in capitals).

Name of Father (in case of married woman, of her husband).

Age.

Residence.

Caste.

Profession.

Nationality.

Date of examination by the authority.

Particulars of disability and probable cause.

Degree of disability in terms of clause 11 of the War Injuries Scheme, 1941.

Is the disability capable of improvement ?

If not, estimate probable further duration of disability and state if the person should be put up for examination again, and when.

Signature of Members of the Authority.

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

## FORM F.

## Application for Family Pension and Children's Allowance.

Applicant's full name (in capitals).

Name of Father (in the case of married woman, of husband).

Age.

Date of birth.

Caste.

Profession.

Residence.

Nationality.

Relationship with deceased.

Income of applicant before death of deceased and source of such income.

Income of applicant after death of deceased and source of such income.

Full name of deceased (in capitals).

Place of death.

Cause of death.

Was deceased attended to by A. R. P. volunteer, civic guard, police or other organisation  
—If so, details.

If deceased received any medical treatment, details thereof including place where received.

If deceased died in any hospital or dispensary, state details.

*If not, give any other proof of death, e.g., affidavits, or any certificates by a gazetted officer, Magistrate or Sub-Inspector of Police.*Did deceased draw any allowance under the 'War Injuries Scheme, 1941, prior to death  
—if so, details as to award, rate and amount drawn prior to death.

Is any special pension or allowance awarded from public funds in respect of the death of the deceased.

If deceased has any of the following relatives living at the time of his death, give details\* in respect of each —widow or widows, father, mother, actual and legitimate son(s), actual and legitimate daughter(s) State also if any has since died, or whether any female relative has since married or unmarried.

\*If necessary, this may be done on a sheet to be attached and signed.

†*Synopsis*, p. 199.

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*FORM F—*contd.*

Date of birth.

Age.

Residence.

} In the case of all  
eligible relatives.

If staying elsewhere than with applicant, state details.

In the case of daughter—whether married.

In the case of children—Guardian, if any, other than applicant.

If any of the said relatives or the applicant—

(i) draws any other pension from public funds, state details as to source and amount ;

(ii) holds any appointment under Government or local authority, state details and rate of emoluments.

Amount and particulars of the claim made :—

I desire to draw the pension (and allowances), if sanctioned, at \_\_\_\_\_  
Post Office.

I certify that the information furnished in the statement is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1911.

(Signature of claimant).

THE WAR INJURIES ORDINANCE, 1941 (VII OF 1941)—*contd.*

## FORM G.

Award under the War Injuries Scheme, 1941.

Claims Officer for

(area)

Name

Name of person receiving war injury  
killed

Age

Residence

Caste

Profession

Nationality

Pension or allowance in favour of (block capitals).

Name of father of such person (in the case of married woman, of husband).

Description of such person.

Age

Residence

Caste

Profession

Nature of award (state whether temporary allowance, disability pension, or family pension and children's allowance).

Amount of pension or allowance Rs.

per

In the case of children's allowance, particulars of amount and children in respect of whom made, stating their dates of birth.

Guardian, if any

Period for which pension is sanctioned, with the date of commencement.

Payable at \_\_\_\_\_ Post Office

on the \_\_\_\_\_ of each \_\_\_\_\_

Date and signature of Claims Officer.

Forwarded to the payee through the Deputy Collector  
Collector of \_\_\_\_\_

\_\_\_\_\_ District.

Period.	Amount.	Signature or thumb impression of payee.	Signature of Postmaster or other authorised officer.	Date stamp of office.
(1)	(2)	(3)	(4)	(5)

## THE ESSENTIAL SERVICES (MAINTENANCE) ORDINANCE, 1941 (XI OF 1941).

—contd.

*E. A. Dept., No. 10-W., dated the 28th January 1942.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No. XI of 1941), shall apply to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province in so far as the same may be applicable and subject to any amendments to which it is for the time being subject in British India.

Provided that all references in the said Ordinance to the Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the tribal areas.

Provided further that any Court or authority may construe the provisions of the said Ordinance with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court or Authority.

[*Gazette of India*, 1942, Pt I, p. 202]

*D. C. Dept., No. 1178-SM/41, dated the 29th December 1941.*—In exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No. XI of 1941), the Central Government, being of opinion that the class of employment hereinafter specified is essential for securing the defence of British India and the efficient prosecution of the war and for maintaining supplies and services necessary to the life of the community, is hereby pleased to declare any employment in connection with the regulation, construction, maintenance or operation of a Federal Railway, not being employment under the Crown, to be employment to which the said Ordinance applies.

[*Gazette of India*, 1941, Extraordinary, p. 763.]

*D. C. Dept., No. 1202-SM/42, dated the 7th April 1942.*—In exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No. XI of 1941), the Central Government, being of opinion that the class of employment hereinafter specified is essential for securing the defence of British India and the efficient prosecution of the war and for maintaining services necessary to the life of the community, is hereby pleased to declare any employment under contractor in connection with—

- (i) the conveyance of His Majesty's mails,
- (ii) the operation of the Telegraph Workshops at Alipore,
- (iii) the treasury transactions of a post office, or
- (iv) the sale of postage stamps,

to be employment to which the said Ordinance applies.

[*Gazette of India*, 1942, Extraordinary, p. 100.]

THE ESSENTIAL SERVICES (MAINTENANCE) ORDINANCE, 1941 (XI of 1941)—*concl'd.*

*D. C. Dept., No. 1202-SM/42, dated the 14th March 1942.*—In pursuance of sub-section (3) of section 7 of the Essential Services (Maintenance) Ordinance, 1941 (No. XI of 1941), the Central Government is hereby pleased to authorise all gazetted officers of the Federal Railways not below District rank to make complaints in respect of offences under the said Ordinance.

[*Gazette of India*, 1942, Pt. I, p. 547.]

THE SPECIAL CRIMINAL COURTS ORDINANCE, 1942 (II OF 1942).

*E. A. Dept., No. 6-W., dated the 16th January 1942.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Special Criminal Courts Ordinance, 1942 (Ordinance No. II of 1942), \* \* \* shall apply to British Baluchistan.

[*Gazette of India*, 1942, Pt I, p. 119.]

*E. A. Dept., No. 30-W, dated the 18th March 1942*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him, in that behalf, the Governor General in Council is pleased to direct that the Special Criminal Courts Ordinance, 1942 (Ordinance No. II of 1942).

included in the Baluchistan tribal areas in so far as the same may be applicable and subject to such amendments as they are for the time being subject in the Punjab :

Provided that, unless there is something repugnant in the subject or context, references in the said Ordinances and orders to the Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the said tribal areas :

Provided further that any Court or Authority may construe the provisions of the said Ordinances and orders with such modifications not affecting the substance as may be necessary to adapt them to the matter before that Court or Authority.

[*Gazette of India*, 1942, Pt. I, p. 568.]



## THE PENALTIES (ENHANCEMENT) ORDINANCE, 1942 (III OF 1942).

*E. A. Dept., No. 21-W., dated the 12th February 1942.*—In pursuance of sub-section (3) of section 94, read with sub-section (1) of section 95, of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the functions of the Provincial Government under the Penalties (Enhancement) Ordinance, 1942 (No. III of 1942), shall, in British Baluchistan, be discharged by the Chief Commissioner.

[*Gazette of India*, 1942, Pt. I, p. 312.]

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*D. C. Dept., No. 880-SM/41, dated the 14th February 1942.*—In pursuance of sub-section (3) of section 94 of the Government of India Act, 1935, the Governor General in Council is pleased to direct that the functions of the Provincial Government under the Penalties (Enhancement) Ordinance, 1942 (No. III of 1942), shall in respect of Chief Commissioners' Provinces, other than British Baluchistan, be discharged by the Chief Commissioners.

[*Gazette of India*, 1942, Pt. I, p. 354]

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*E. A. Dept., No. 6-W., dated the 16th January 1942.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that \* \* \* \* the Penalties (Enhancement) Ordinance, 1942 (Ordinance No. III of 1942), shall apply to British Baluchistan.

[*Gazette of India*, 1942, Pt. I, p. 119]

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*E. A. Dept., 16-W., dated the 10th February 1942.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Penalties (Enhancement) Amendment Ordinance, 1942 (Ordinance No. VII of 1942), shall apply to British Baluchistan.

[*Gazette of India*, 1942, Pt. I, p. 311.]

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*E. A. Dept., No. 24-W., dated the 19th February 1942.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the Penalties (Enhancement) Ordinance, 1942 (Ordinance No. III of

THE PENALTIES (ENHANCEMENT) ORDINANCE, 1912 (III OF 1912)—*contd.*

1942), shall apply to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province in so far as the same may be applicable and subject to any amendments to which it is for the time being subject in British India :

Provided that all references in the said Ordinance to the Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the said areas :

Provided further that any Court or Authority may construe the provisions of the said Ordinance with such modifications not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or Authority.

[*Gazette of India*, 1912, Pt. I, p. 362.]

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*E. A. Dept., No. 30-W., dated the 18th March 1912.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that  
\* \* \* \* \* the Penalties (Enhancement) Ordinance, 1912 (Ordinance No. III of 1912), and all general orders made or hereafter to be made thereunder applying to the Punjab, shall apply to such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas in so far as the same may be applicable and subject to such amendments as they are for the time being subject in the Punjab :

Provided that, unless there is something repugnant in the subject or context, references in the said Ordinances and orders to the Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the said tribal areas.

Provided further that any Court or Authority may construe the provisions of the said Ordinances and orders with such modifications not affecting the substance as may be necessary to adapt them to the matter before that Court or Authority.

[*Gazette of India*, 1912, Pt. I, p. 568.]

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## THE MOTOR VEHICLES (DRIVERS) ORDINANCE, 1912 (V OF 1912).

*E. A. Dept., No. 23/W., dated the 19th February 1912.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Motor Vehicles (Drivers) Ordinance, 1912 (Ordinance No. V of 1912), shall apply to British Baluchistan

[*Gazette of India*, 1912, Pt. I, p. 362.]

THE MOTOR VEHICLES (DRIVERS) ORDINANCE, 1912 (V OF 1912)—*contd.*

*L. A. Dept., No. 29-W., dated the 4th March 1912.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the Motor Vehicles (Drivers) Ordinance, 1912 (Ordinance No. V of 1912), shall apply to such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas, in so far as the same may be applicable and subject to any amendments to which it is for the time being subject in British India :

Provided that all references in the said Ordinance to the Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the said areas :

Provided further that any Court or Authority may construe the provisions of the said Ordinance with such modifications not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or Authority.

[*Gazette of India*, 1912, Pt. I, p. 485.]

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## THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1912).

*E. A. Dept., No. 39-W., dated the 21st April 1912.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Civil Pioneer Force Ordinance, 1912 (Ordinance No. X of 1912), shall apply to British Baluchistan, subject to the modification that in the said Ordinance all references to a Provincial Government shall be construed as references to the Chief Commissioner of British Baluchistan.

[*Gazette of India*, 1912, Pt. I, p. 711.]

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*Labour Dept., No. TRA-1092 (3), dated the 21st March 1912.*—In exercise of the powers conferred by sub-section (1) of section 124 of the Government of India Act, 1935, the Governor General in Council is pleased to entrust to the Provincial Governments of Madras, Bombay, Bengal, the United Provinces, the Punjab and Bihar, with their consent, the functions of the Central Government—

- (a) of making rules under clause (b) of sub-section (2) of section 26 of the Civil Pioneer Force Ordinance, 1912 (No. X of 1912), in so far as such rules relate to prescribing appellate authorities under sub-section (6) of section 17 of the said Ordinance ;

THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1912)—*contd.*

(b) under the <sup>1</sup>Civil Pioneer Force Rules, 1912, except that under sub-rule (2) of rule 4 of those Rules; and

(c) under the <sup>2</sup>Civil Pioneer Force Regulations, 1912.,

in relation to units of the Civil Pioneer Force constituted under the said Ordinance in their respective Provinces :

Provided that a Provincial Government shall exercise the said functions—

(i) under clause 5 of the said Regulations, only to post or transfer Officers to units of the said Force serving with the Province; and

(ii) under the proviso to sub-clause (I) of clause 8 of the said Regulations, only in respect of servants of the Crown serving, or retired servants of the Crown who last served, in connection with the affairs of the Province

[*Gazette of India*, 1912, Extraordinary, p. 353]

*E. A. Dept*, No. 40-W, dated the 21st April 1912.—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the Civil Pioneer Force Ordinance, 1912 (Ordinance No. X of 1912), shall apply to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province in so far as the same may be applicable and subject to any amendments to which it is for the time being subject in British India :

Provided that in the said Ordinance all references to British India shall be construed as references to the said areas and all references to a Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the said areas.

Provided further that any Court or Authority may construe the provisions of the said Ordinance with such modifications not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or Authority

[*Gazette of India*, 1912, Pt. I, p. 741.]

*E. A. Dept*, No. 41-W., dated the 21st April 1912.—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that

<sup>1</sup> *Idem*, p. 216.

<sup>2</sup> *Idem*, p. 212.

THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1912) --*contd.*

behalf, the Governor General in Council is pleased to direct that the Civil Pioneer Force Ordinance, 1912 (Ordinance No X of 1912), shall apply to such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas, in so far as the same may be applicable and subject to any amendments to which it is for the time being subject in British India :

Provided that in the said Ordinance all references to British India shall be construed as references to the said areas and all references to a Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the said areas :

Provided further that any Court or Authority may construe the provisions of the said Ordinance with modifications not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or Authority.

[*Gazette of India*, 1912, Pt I, p. 741.]

*Labour Dept., No TRA-1092 (2), dated the 21st March 1912.*— In exercise of the powers conferred by section 25 of the Civil Pioneer Force Ordinance, 1912, the Central Government is pleased to make the following Regulations, namely :—

## THE CIVIL PIONEER FORCE REGULATIONS.

- Title.** 1. These Regulations may be called the Civil Pioneer Force Regulations, 1912.
- Definitions.** 2. In these Regulations, unless there is anything repugnant in the subject or context—
- (a) " Force " means the Civil Pioneer Force ;
  - (b) " Schedule " means the Schedule appended to these Regulations ;
  - (c) " Province " means in relation to a unit of the Force the Province in which the unit is raised.
- Composition of units.** 3. (1) Each unit of the Force shall consist of a unit headquarters and not more than four Companies, each of four Platoons, and when at full strength will be composed of the Officers, Non-Commissioned Officers and other ranks shown in the Schedule.
- (2) Every enrolled person other than an officer, a clerk or a follower shall be known as a Civil Pioneer.
- (3) The class composition of each unit or part of a unit shall be determined by the Central Government.

THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1942)—*contd.*

4. (1) The Central Government shall place each unit under the command of a Commandant or such other Commissioned Officer of lower rank as may be specially selected for the purpose. Commands and promotions.

(2) The Central Government may promote temporarily or substantively a Commissioned Officer to a higher rank.

5. (1) The Central Government may by notification in the official Gazette post Commissioned and Administrative Officers to any unit and may transfer such officers from one unit to another. Appointments

(2) The Officer Commanding a unit may appoint any Commissioned Officer under his command to be Adjutant or Quartermaster of the unit.

6. (1) There shall be the following grades of Non-Commissioned Officers — Non-Commissioned Officers

Havildar Major,

Havildar,

Naik,

• Lance Naik.

(2) The number of Havildars Major shall be limited to two per unit and the number of Lance Naiks shall not exceed four per Platoon.

(3) Non-Commissioned Officers shall be appointed from among enrolled persons by the Commandant or the Officer Commanding the unit or in such other manner as the Central Government considers fit.

7. (1) The following badges of rank will, unless otherwise ordered by the Central Government, be worn in gilt on the shoulder straps of all Commissioned and Administrative Officers — Badges of rank.

Commandant . . . . .	Crown
Captain . . . . .	Three stars
Lieutenant . . . . .	Two stars.
2nd-Lieutenant . . . . .	One star
Administrative Officer . . . . .	One miniature star

(2) Universal pattern Sam Browne belts in brown leather with one brace shall, unless otherwise ordered by the Central Government, be worn by all Commissioned and Administrative Officers when in uniform.

(3) When in uniform, Non-Commissioned Officers shall wear on the outside of the upper portion of each arm the following distinguishing badges of rank of a design and colour to be approved by the Central Government :—

Havildars Major . . . . .	Three stripes surmounted by a crown.
Havildars . . . . .	Three stripes.
Naiks . . . . .	Two stripes.
Lance Naiks . . . . .	One stripe

THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1912)—*contd*

Rates of pay

8. (1) Commissioned, Administrative and Non-Commissioned Officers and other ranks of the Force shall be entitled to the following monthly rates of pay :—

	Rs
1. Commandants . . . . .	800—40—1,000
2 Captains . . . . .	500—25—600
3 Lieutenants . . . . .	350—25—450
4. 2nd-Lieutenants. . . . .	250—25—350
5. Administrative Officers . . . . .	150—20—230
6 Havildars Major . . . . .	60
7 Havildars . . . . .	40
8 Naiks . . . . .	20
9 Lance Naiks . . . . .	14/8
10 Civil Pioneers and followers of all classes . . . . .	13
11 Head Clerks . . . . .	60
12 Clerks . . . . .	45

Provided that the rates of pay of servants or retired servants of the Crown appointed to be Commissioned or Administrative Officers shall be such as the Central Government may in each case determine.

(2) A Commissioned Officer, not being a Commandant, appointed to take command of a unit shall be entitled to receive a Command allowance of Rs. 100 per month.

(3) Commissioned Officers appointed to act as Adjutant or Quarter-master of a unit shall be entitled to a duty allowance of Rs. 75 or Rs. 50 per month, as the case may be

(4) In addition to the rates of pay shown in sub-clause (1), every enrolled person will be entitled to receive *batta* at the following monthly rates if employed on service in a war area provided a corresponding allowance is sanctioned for members of the Defence Services operating in those areas :—

	Rs	A	P
1. Commissioned and Administrative Officers . . . . .	20	0	0
2 All other ranks . . . . .	3	8	0

Uniform and personal equipment

9. (1) Every enrolled person shall, unless otherwise ordered by the Central Government, wear when on duty a uniform of such design, material and colour and such distinguishing badge as may be fixed by the Central Government.

(2) Every enrolled person other than a Commissioned or an Administrative Officer shall be provided with such articles of uniform, clothing and personal equipment as the Central Government may direct and such of these articles as may be specified shall be the property of the unit.

(3) Every Commissioned or Administrative Officer shall be entitled to receive on being appointed an Officer an outfit allowance of Rs. 100.

THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1912)—*contd.*

10. Living accommodation and unit equipment shall be provided on a scale to be fixed by the Central Government at the Headquarters of each unit, and at each place at which a unit or part of a unit may be stationed.

Accommodation and unit equipment

11. Rations on a scale to be fixed by the Central Government shall be supplied free to all enrolled persons other than Commissioned or Administrative Officers.

Rations

## SCHEDULE.

## CIVIL PIONEER FORCE.

*Composition of a unit.*

(Unit Headquarters and 4 Companies, each of 4 Platoons)

Detail.	Summary of ranks.				
	Head-quarters	4 Platoons (each)	Total 1 Company	Total 4 Companies	Total unit.
Commandant . . .	1	..	..	..	1
Captains . . .	1	..	..	..	1
Lieutenants . . .	3*	..	1	4	7
or					
2nd-Lieutenants	1*	..	1	4	5
Administrative Officers .					
<i>N. C. Os and Other Ranks</i>					
Havildars . . .	2	1	4	16	18
Naks . . .	..	2	8	32	32
Civil Pioneers . . .	..	64	256	1,024	1,024
Clerks . . .	3	..	2	8	11
Orderlies (Civil Pioneers) .	5	1	4	16	21
Tailors . . .	..	..	1	4	4
Bootmakers . . .	..	..	1	4	4
Barbers . . .	..	..	2	8	8
Washermen . . .	..	..	2	8	8
Cooks . . .	..	..	6	24	26
Waiters . . .	..	..	..	..	2
Masalchi . . .	1	..	..	..	1
Water-carriers . . .	..	..	6	24	24
Sweepers . . .	..	..	6	24	24
Total . . .	21	68	300	1,200	1,221

\* Includes one reserve



THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1912)—*contd.*

*Labour Dept., No. TRA-1092 (I), dated the 21st March 1912.*—In exercise of the powers conferred by section 26 of the Civil Pioneer Force Ordinance, 1912, the Central Government is pleased to make the following Rules, namely :—

## THE CIVIL PIONEER FORCE RULES.

- Short title** 1. These Rules may be called the Civil Pioneer Force Rules, 1912.
- Definitions** 2. In these Rules unless there is anything repugnant in the subject or context :—
- (a) " Force " means the Civil Pioneer Force ;
  - (b) " Form " means a form appended to these Rules ;
  - (c) " medical authority " means the authority appointed under rule 9 to carry out the medical examination of recruits or to act as medical officer to a unit of the Force ;
  - (d) " Ordinance " means the Civil Pioneer Force Ordinance, 1912 ;
  - (e) " Province " means in relation to a unit of the Force the Province in which the unit is raised.
- Enrolling Officers** 3. Any person appointed to be an enrolling officer under section 8 of the Indian Army Act, 1911, and any person appointed for the purpose by the Central Government may enrol persons offering themselves for service in the Force and such persons shall be known as Enrolling Officers.
- Duration of service** 4. (1) Every person enrolled in the Force shall, unless discharged or dismissed before the expiry of that period, be bound to serve with the Force for the duration of the war and, if so required, for a period not exceeding one year thereafter, or until he attains the age of 50 years, whichever is earlier :
- Provided that if an enrolled person elects to continue to serve on
- manding the unit in the case of other ranks, and an endorsement to this effect shall be signed by the Officer Commanding the unit and the person himself on the person's enrolment form.
- Provided further that the limit of 50 years shall not apply to any servant, or retired servant, of the Crown appointed to be a Commissioned or Administrative Officer.
- (2) For the purposes of this rule the war shall be deemed to terminate on such date as the Central Government may, by notification in the official Gazette, declare in this behalf.
- Enrolment.** 5. (1) Upon the appearance before the enrolling officer of any person offering himself for enrolment in the Force, the enrolling officer shall read and explain to him or cause to be read and explained to him the conditions

THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1912)—*contd.*

set forth in Form I which shall be known as the Enrolment Form and shall put to him the questions set forth in that form and shall, after having cautioned him that he is bound to state the truth in answer to any such question, record or cause to be recorded his answer to each such question.

(2) In answering the questions set forth in the Enrolment Form, the person offering himself for enrolment shall be bound to state the truth.

(3) If after complying with the provisions of sub-rule (1), the enrolling officer is satisfied that the person offering himself for enrolment understands the questions put to him and accepts the conditions set forth in the enrolment form, and if he sees no impediment to the enrolment, he shall sign, and shall also cause the person to sign, the enrolment form and the person shall then be deemed to be enrolled.

(4) No person shall be enrolled in the Force who—

(a) has attained the age of 50 years,

(b) is not passed by the medical authority as fit to perform the duties required of a member of the Force,

(c) has undergone imprisonment for a period exceeding one year for any offence under the Indian Penal Code, or

(d) is under police surveillance or under restraint under any provision of the law for the time in force :

Provided that clause (a) shall not apply to servants or retired servants of the Crown appointed to the Force as Commissioned or Administrative Officers.

6. (1) When a person has been enrolled under rule 5, the enrolling officer shall complete Form II which shall be known as the Recruitment Certificate and direct the person to report to the Officer Commanding the Provincial unit or the unit in which the person has elected to serve. Disposal on enrolment.

(2) Every enrolled person, not being a Commissioned or Administrative Officer, who is directed to report to the Officer Commanding a unit shall be entitled to receive a railway warrant or the cost of a single third class railway fare to the station nearest to the place at which the headquarters of the unit are situated together with an allowance at the rate of one anna per mile for road journeys and a ration allowance of eight annas for each day of the journey

(3) When an enrolled person, not being a Commissioned or Administrative Officer, is directed to report to the Officer Commanding a unit, one copy of the Recruitment Certificate shall be handed to him, one copy shall be sent to the Officer Commanding the unit, and one copy shall be forwarded to such officer as may be appointed in this behalf by the Central Government.

7. Before being enrolled, every person offering himself for enrolment shall be examined by the medical authority who shall enter on the enrolment form his opinion whether the recruit is physically fit in every Medical examination before enrolment.

THE CIVIL PIONEER FORCE ORDINANCE, 1942 (X OF 1942)—*contd.*

respect for service in the Force in any part of British India, or whether he is unfit for service in the Force. No fixed standard of height or chest measurement or weight shall be insisted on and slight degrees of disability not interfering with the performance of normal work may be condoned. The medical authority shall however satisfy himself that every person passed as medically fit for service in the Force is fit to undergo physical exertion over protracted periods

Terms of  
service

8. (1) Every enrolled person shall be entitled to receive pay and allowances at the rates laid down from time to time in the Civil Pioneer Force Regulations, 1942 and to free clothing and free rations in accordance with the scales fixed by the Central Government.

(2) Every enrolled person shall be entitled to free medical attention under arrangements to be made by the Central Government and to free accommodation on such scale as may from time to time be fixed by the Central Government.

Medical  
authority.

9. The Central Government shall appoint qualified persons on such terms as it considers suitable to carry out the medical examination of persons offering themselves for enrolment in the Force or to act as medical officers to any Provincial unit or part of a unit :

Provided that any Recruiting Medical Officer appointed for the purpose of examining recruits for the Indian Army shall be deemed to have been appointed to carry out the medical examination of persons offering themselves for enrolment in the Force.

Transfer.

10. (1) The Central Government shall fix the headquarters of each unit and may transfer any unit or part of a unit from any one place in the Province to any other.

(2) Subject to the proviso to section 8 of the Ordinance, the Central Government or any officer appointed by the Central Government in this behalf may transfer any person enrolled in a unit of the Force from one unit to another.

(3) Every enrolled person other than a Commissioned or an Administrative Officer who is transferred from one place to another shall be entitled to receive a railway warrant or the cost of a single third class railway fare for his journey if such journey is to be performed by rail and in addition one anna per mile for journeys by road, and if no rations are supplied a ration allowance of eight annas a day for each day of the journey.

(4) Commissioned and Administrative Officers shall be entitled to receive Railway warrants or travelling allowance or both for journeys performed on duty or to join units under such conditions as may be fixed by the Central Government.

Leave

11. (1) Every enrolled person shall, subject to the exigencies of the service, be eligible for the grant of casual leave, earned leave, and leave on medical certificate.

THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1912)—*contd.*

(2) Casual leave may be granted to all ranks at the discretion of the Officer Commanding a unit subject to a maximum of fifteen days in a calendar year.

(3) Every enrolled person may be allowed leave on average pay up to 1/11th of the period spent on duty to which may be added leave on medical certificate on average pay or half average pay, provided that the total leave granted shall not exceed three months reckoned in terms of leave on average pay.

(4) The grant of ordinary leave or leave on medical certificate shall be subject to the sanction of the Central Government in the case of Commissioned or Administrative Officers and to the sanction of the Officer Commanding a unit in the case of all other ranks.

12. Service in the Force shall be non-pensionable, but upon the termination of his service every enrolled person other than a Commissioned or Administrative Officer shall, if his service is deemed to have been satisfactory by the Officer Commanding the unit in which he is serving, be entitled to receive a gratuity equal to one month's average pay for each complete year of service but not exceeding six months' average pay in all. Gratuity.

13. (1) For the purposes of section 18 of the Ordinance— Deductions.

(a) absence or custody for six consecutive hours or upwards, whether wholly in one day or partly in one day and partly in another, shall be reckoned as absence or custody for one day;

(b) absence or custody for 12 consecutive hours or upwards shall be reckoned as absence or custody for the whole of each day during any portion of which the person was absent or in custody; and

(c) any absence or custody for less than a day may be reckoned as absence or custody for one day if such absence or custody prevented the absentee from fulfilling any duty which was thereby thrown upon some other person.

(2) No deduction shall be made under clause (d) of the said section unless the person concerned has been given an opportunity of showing that the expenditure incurred was not a consequence of his misconduct or that the loss or damage or destruction was not done by him.

14. (1) Every enrolled person who is convicted by a court and sentenced to a term of imprisonment exceeding one month shall be deemed to have been dismissed from the Force. Discharge or dismissal.

(2) The Central Government may discharge or dismiss any enrolled person from the Force, and the Officer Commanding a unit may discharge or dismiss any enrolled person other than a Commissioned, an Administrative or a Non-Commissioned Officer.

THE CIVIL PIONEER FORCE ORDINANCE, 1942 (X OF 1942)—*cont'd.*

Forfeiture of  
service.

15. Service may be forfeited under clause (c) of section 19 of the Ordinance by order of the Provincial Government for the purpose of promotion, increment, or gratuity, or for all these purposes.

Procedure in  
dealing with  
serious  
offences

16. No enrolled person shall be discharged for an offence, dismissed or reduced in rank otherwise than by an order based on facts which have led to his conviction in a court unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself.

Custody.

17. (1) The Officer Commanding a unit shall, subject to any orders which may be issued in this behalf by the Central Government, set apart a place at the headquarters of the unit for the confinement of persons ordered to be confined under section 14 of the Ordinance and of persons kept in custody under section 20 of the Ordinance, and such place shall be known as the guard room.

(2) Any enrolled person other than a Commissioned, an Administrative or a Non-Commissioned Officer who is reasonably believed to have committed an offence under the Ordinance may be taken into custody by any member of the Force and may be confined in the guard room under the orders of any Commissioned or Administrative Officer.

(3) Commissioned, Administrative and Non-Commissioned Officers may be taken into custody only by Officers of their own or a higher class and shall, when necessary, be confined to their quarters under the written orders of the Officer Commanding the unit.

(4) No enrolled person shall be detained in custody pending investigation of an offence for a longer period than is in the circumstances of the case reasonable.

Mounting of  
guards and  
sentries.

18. The Commandant or the Officer Commanding a unit or any part of a unit may, subject to any orders issued in this behalf by the Central Government, mount sentries or guards from among the enrolled persons under his command at such places, for such periods and in such manner as he considers necessary.

Duties of  
enrolled  
persons.

19. (1) Every enrolled person shall be required to undergo such duty drill and physical or other training as may be ordered by the Commandant or other Commissioned or Non-Commissioned Officer and in all matters relating thereto shall obey the orders of his superior officer.

(2) Every enrolled person shall when in uniform salute every Commissioned or Administrative Officer who is his superior in rank.

Administrative  
training of  
units.

20. Subject to the provisions of the Ordinance and the rules and regulations made thereunder, the Central Government may issue such orders as it considers fit dealing with the administration, duties and training of units including the keeping of records and the prescription of forms

THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1912)—*contd.*

## FORM I.

GOVERNMENT OF INDIA  
DEPARTMENT OF LABOUR.

## CIVIL PIONEER FORCE.

## Enrolment Form.

Province .....  
 No. .... Name.....  
 State unit and capacity in which  
 the person desires to be enrolled .....

*Questions to be put before enrolment.*

You are warned that if after enrolment it is found that you have given a wilfully false answer to any of the first seven questions, you will be liable to punishment, on conviction by a Court, under Section 191 read with Section 193 of the Indian Penal Code.

- |   |  |
|---|--|
| 1. What is your name? (Enter in BLOCK letters).   | 1. ....  |
| 2. What is your father's name?  | 2. ....  |
| 3. What is your religion and caste, class or tribe?   | 3. ....  |
| 4. What is your Village, Post Office, Thana, Pargana or Tehsil and District?  | 4. Village .....<br>Post Office.....<br>Thana ..<br>Pargana or Tehsil .....<br>District..... |
| 5. Have you ever been imprisoned? If so, for what period and what offence?  | 5. ....  |
| 6. Are you under police surveillance or any form of restraint imposed by any law for the time being in force?                                       | 6. ....  |
| 7. Do you now belong to His Majesty's Forces, the Reserve, the Indian Territorial Force, the Force of any Indian State or to the Nepal State Army?  | 7. ....  |
| 8. Are you willing to be enrolled in the ..... unit of the Civil Pioneer Force as a.....?   | 8. ....  |
| 9. Are you willing to go with your unit wherever ordered in any part of British India and not to allow any caste usage to interfere with your duty? | 9. ....  |
| 10. Are you willing to be vaccinated or re-vaccinated and inoculated against chokra or other disease?   | 10. ....   |
| 11. Are you willing to serve until discharged in accordance with the following conditions provided your services shall so long be required?         | 11. ....   |

*Conditions:*

- |                                       |  |
|---------------------------------------|--|
| 1. Pay—Rs ..... per month.            | 4. Free accommodation.   |
| 2. Free rations : According to scale. | 5. Free medical attention.   |
| 3. Free clothing :                    | 6. In the event of war injuries, compensation in accordance with the War Injuries Scheme, 1942 |

THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1912)—*contd.*FORM I—*contd.*

7. When you have served for the duration of the present war and, if required to do so, for a further period of one year thereafter, you will be discharged with all conveniences, provided that if you attain the age of 50 years on or before the expiry of that period you will be entitled to your discharge forthwith.

I.....do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagements made.

..... Signature of recruit  
Signature of witness. (or thumb impression if recruit is unable to write).

*Certificate of Enrolling Officer.*

The conditions of service for which he is now enrolled were read and explained to the above-named person by me (or in my presence). After having cautioned him that if he made a false answer to any of the above questions Nos. 1 to 7, he would be liable to be punished, I put all the above questions to him and his answer to each question has been duly entered as replied to. I am satisfied that he fully understands all the questions put to him and consents to the conditions of service.

Signed at.....this.....day of.....19....  
Signature of Enrolling Officer.

## DESCRIPTION ON ENROLMENT.

*To be completed by the Enrolling Officer.*

Apparent age.....years. Chest measurement\* { Minimum.....inches.  
Height.....feet.....inches { Maximum.....inches.

*To be completed by the Medical Authority.*

I consider him Physically fit in every respect for service in the Force in any part of British India. unit for service in the

Force

Identification marks

or

Cause of unfitness.

Date..... Place..... Signature of Medical Authority.

\* The measuring tape should be applied evenly but not tightly, its upper edge touching the lower border of the shoulder blades and its lower edge passing just over the nipples, the arms hanging by the sides. The minimum measurement will be taken after the breath has been expelled from the chest and the maximum when the chest is fully expanded. There should be a difference of at least two inches between the minimum and maximum measurements.

*Instructions :*

Previous to the medical inspection of a recruit or his rejection by the Enrolling Officer, his name, age, height and chest measurements, together with the name of the unit in which he desires to be enrolled and the answers to questions 1 and 2 should be entered on the form.

On completion of the enrolment this form should be forwarded to the Officer Commanding the unit of the recruit concerned.

## THE CIVIL PIONEER FORCE ORDINANCE, 1912 (X OF 1912)—concl'd.

FORM II.  
RECRUITMENT CERTIFICATE.

Serial No. ....  
Unit.....  
Dated .....

Serial No.	Recruit's name.	Father's name.	Caste	Sub-caste.	District.	Province	Category.	Date of enrolment.	Payments made.		Remarks.
									Ration allowance @ 0-8-0 per day (10)	Advance of pay. (11)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	Rs. As.	Rs. As.	(12)
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											

1. Recruit(s) noted above has/have been enrolled in..... Unit.  
2. The recruit(s) noted above is/are proceeding to join (Unit, etc.)..... at (Station).....  
3. The recruit(s) has/have not been supplied with rations, but he/they has/have been/not been paid ration allowance.....  
4. The recruit(s) has/have been issued with advance of pay, etc., as shown against each.....  
5. The recruit(s) has/have been provided with railway warrant(s) /farr(s) to join his/their unit(s).  
6. Enrolment forms are sent herewith I/C escort/will follow by post.  
NOTE.—Copies of the certificate unless otherwise ordered will be disposed of as follows :—  
(a) 2 copies to unit or formation.  
(b) 1 copy to the Provincial Government.

At Station.....  
15 RL 2.

.....(Signature and Rank)  
ENROLLING OFFICER.

[Gazette of India, 1942, Extraordinary, p. 345.]



**THE WAR RISKS (Factories) Insurance Ordinance, 1942 (XII of 1942).**

*E. A. Dept., No. 37-W., dated the 16th April 1942.*—In pursuance of sub-section (2) of section 93 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the War Risks (Factories) Insurance Ordinance, 1942 (Ordinance No. XII of 1942), shall apply to British Baluchistan.

[*Gazette of India*, 1942, Pt. I, p. 713.]

*Commerce Dept., No. 1-W. R. 1. F./12, dated the 18th April 1942.*—In exercise of the powers conferred by section 14 of the War Risks (Factories) Insurance Ordinance, 1942 (No. XII of 1942), the Central Government is pleased to exempt from the provisions of section 5 of the said Ordinance—

- (i) any premises including the precincts thereof which have at any time after the 31st day of December 1938 been a factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934), and which have been dismantled, and
- (ii) any premises including the precincts thereof which are in part a factory and in part used for the purposes of another trade or business the number of workers ordinarily working on the factory part of the premises being less than one-fifth of the number of persons employed on the other part of the premises for the purposes of the other trade or business

[*Gazette of India*, 1942, Pt. I, p. 717.]

**THE WOMEN'S AUXILIARY CORPS ORDINANCE, 1942 (XIII OF 1942).**

*Defence Dept., No. 721, dated the 25th April 1942.*—In pursuance of section 9 and in exercise of the powers conferred by section 10 of the Women's Auxiliary Corps Ordinance, 1942, the Central Government is pleased to make the following rules:—

1. Subject to the provisions of these Rules, the Army Act shall, so far as it is capable of such applications, apply to women being members of the Women's Auxiliary Corps (India) as if they were part of the regular forces.

2. Reference in the Army Act to ranks of the army shall be deemed to include reference to the relative ranks, as laid down by Regulations, of the said women.

3. Of sections four to forty-one of the Army Act (which relate to offences against that Act) only sections fifteen and forty shall apply to offences committed by the said women, and those sections shall have effect in relation to them as set out with adaptations and modifications in the Schedule to these Rules.

THE WOMEN'S AUXILIARY CORPS ORDINANCE, 1942 (XIII OF 1942)—*contd.*

4. (1) The provisions of this sub-rule shall have effect in relation to offences committed by the said women against either of the said sections fifteen or forty in lieu of the provisions of section forty-four of the Army Act.

(2) A woman on conviction by court-martial for such an offence as aforesaid shall be liable to any one or more punishments according to the scales following, that is to say,—

(a) in the case of an officer :—

- (i) dismissal from His Majesty's service ;
- (ii) forfeiture of seniority of rank ; or, in the case of an officer whose promotion depends upon length of service, forfeiture of all or any part of her service for the purposes of promotion ;
- (iii) severe reprimand ;
- (iv) reprimand ;
- (v) stoppages ;

(b) in the case of a warrant officer or a non-commissioned officer :—

- (i) if a warrant officer, dismissal, or if a non-commissioned officer, discharge, from His Majesty's service ;
- (ii) reduction to a lower grade or to the ranks ;
- (iii) severe reprimand ;
- (iv) reprimand ;
- (v) forfeiture of all ordinary pay for a period commencing on the day of the sentence and not exceeding twenty-eight days ;
- (vi) stoppages ;

(c) in the case of a woman not being an officer, warrant officer, or non-commissioned officer :—

- (i) forfeiture of all ordinary pay for a period commencing on the day of the sentence and not exceeding twenty-eight days ;
- (ii) stoppages ;
- (iii) confinement to barracks for not more than 14 days and not less than 7 days.

5. (1) Notwithstanding anything contained in the Army Act, a woman being an officer below the equivalent rank of field officer, or a warrant officer, may be reprimanded by her commanding officer if of field rank. A woman being an officer or a warrant officer may be severely reprimanded by the commanding officer of the Corps.

(2) Where the case of any of the said women, not being an officer or warrant officer, is dealt with summarily by her commanding officer

THE WOMEN'S AUXILIARY CORPS ORDINANCE, 1942 (XIII OF 1942)—*contd.*

under section forty-six of the Army Act, sub-section (2) of that section shall not apply, but all or any of the following punishments may be awarded :—

- (a) the offender, if a non-commissioned officer, may be severely reprimanded or reprimanded ;
- (b) the offender may be ordered to suffer any deduction from her ordinary pay authorised by the Army Act to be made by the commanding officer ;
- (c) the offender, if not a non-commissioned officer, may be ordered to forfeit all ordinary pay for a period commencing on the day of the sentence and not exceeding fourteen days ;
- (d) the offender, if not a non-commissioned officer, may be awarded confinement to barracks for not more than 14 days and not less than 7 days ;
- (e) the offender, if not a non-commissioned officer, may be ordered to perform extra duties ;
- (f) the offender may be admonished ;
- (g) restriction of privileges :

Provided that, unless the commanding officer is of a rank equivalent to field rank or is authorised in that behalf by the officer in command of a district, division or area, the only punishments which she may award shall be—

- (i) confinement to barracks for seven days (neither more nor less) ;
- (ii) extra duties ;
- (iii) admonition ;
- (iv) restriction of privileges.

(3) For the purposes of the application of sub-section (8) of the said section forty-six to the case of any of the said women who is a non-commissioned officer, the reference to "one of the minor punishments referred to in this section" shall be construed as a reference to severe reprimand, reprimand, or admonition.

(4) The said sub-section (8) of section forty-six shall not apply to the case of any of the said women who is not a non-commissioned officer, but a commanding officer shall deal with the case of any such women summarily, unless both the following conditions are fulfilled, namely :—

- (a) that the award or finding involves a forfeiture of ordinary pay exceeding seven days, or she proposes to award a forfeiture of, or deduction from, ordinary pay exceeding seven days ; and
- (b) that the woman charged (who shall be informed by the commanding officer of her right under this clause to be tried by field general court-martial) elects to be so tried and, if in any such

THE WOMEN'S AUXILIARY CORPS ORDINANCE, 1942 (XIII OF 1942)—*contd.*

case the woman so elects, the commanding officer shall take steps for bringing her to trial by a field general court-martial.

(5) Sub-section (9) of the said section forty-six shall not apply to the case of any of the said women, but the power of dealing summarily under that section with a case may be delegated by the commanding officer to any officer under her command :

Provided that where the officer to whom the said power is delegated is a subaltern or second subaltern, the only punishments which she may award shall be—

- (a) confinement to barracks for seven days (neither more nor less) ;
- (b) extra duties ;
- (c) admonition ;
- (d) restriction of privileges.

6. The said women shall not be tried by general or district court-martial, and accordingly an officer authorised under section forty-nine of the Army Act to convene a field general court-martial may convene such a court-martial for the trial of an offence by a woman notwithstanding that it would be practicable for the offence to be tried by an ordinary general court-martial, and references in any provision of the Army Act which is applicable to any of the said women, to a court-martial of whatever nature, shall be construed as references to a field general court-martial.

7. The expression "commanding officer", as used in the sections of the Army Act relating to courts-martial and to the powers of a commanding officer or in the provisions substituted by these regulations therefor, and in the provisions consequential thereon, means, in relation to any woman enrolled in the Women's Auxiliary Corps (India), the officer in command of the group, or detached company, or detached platoon in which she is for the time being serving.

8. (1) The manner in which forfeiture of seniority of rank may be awarded by a field general court-martial or under section forty-seven of the Army Act shall, in the case of any of the said women, be such as may be ordered by the Commander-in-Chief in India.

(2) The preceding provisions of these rules relating to punishments are without prejudice to the power of the commanding officer under proviso (c) to section one hundred and eighty-three of the Army Act to order acting non-commissioned officers to revert to their permanent grades or, as the case may be, to the ranks.

9. Sub-section (1) of section one hundred and thirty-six of the Army Act (which prohibits unauthorised deductions from pay) shall not apply to any deductions made from pay of any of the said women upon the general or special order of the Central Government to meet any public

## THE WOMEN'S AUXILIARY CORPS ORDINANCE, 1942 (XIII OF 1942)

*—concl'd.*

claim, any regimental debt that may be due from her or any regimental claim which the Central Government may direct her to pay.

10. The expression "regimental" in the Army Act and in these Rules means, in relation to the said women, connected with the Women's Auxiliary Corps (India) or any sub-division of that Corps.

*Schedule.*

15. A woman who absents herself without leave shall be guilty of an offence against this Act.

40. A woman who is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline shall be guilty of an offence against this Act.

[*Gazette of India*, 1942, Pt. I, p. 760.]

# LEGISLATION AND ORDERS RELATING TO THE WAR.

## PART IX.

### Orders of the Crown Representative.

*Pol. Dept., No. 319-I. B., dated the 28th August, 1939.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the areas in Indian States specified in the First Schedule hereto annexed (hereinafter referred to as the Administered Areas), the <sup>1</sup>[Foreigners Act, 1910 (II of 1910)], and the Foreigners Order, 1939,<sup>2</sup> subject to the amendments to which they are for the time being subject in British India, and to the modifications specified in the Second Schedule :

Provided that any Court or Authority may construe the provisions of the said Ordinance and the said Order as so applied, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

#### *First Schedule.*

1. The Cantonment of Baroda.
2. The administered areas in the Western India States Agency, as described in the Political Department notification No. 196-I.B., dated the 16th September 1937.
3. The administered areas in the Central India Agency, as described in the Political Department notification No. 36-Fed. I., dated the 13th April 1937.
4. The Gwalior Residency Area.
5. The District of Abu.
6. The administered areas in the Hyderabad State, as described in the Political Department notification No. 26-Fed., dated the 7th April 1937.

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<sup>1</sup> Subs., Pol Dept., Notification No. 3-W., dated the 13th March, 1940.

<sup>2</sup> *Supra*, p. 31.

7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western India States Agency, as described in the Political Department notifications Nos. 189-I.B. and 190-I.B., dated the 8th September 1937.
10. The Rajputana and Central India railway lands, as described in the Political Department notification No. 193-I.B., dated the 8th September 1937.
11. The Punjab States' railway lands, as described in the Political Department notification No. 49-Fed. I., dated the 26th April 1937.
12. The Thana Circles in the Gujarat States Agency and the Dangs.
13. The British Reserve in Manipur.

*Second Schedule.*

1. In the <sup>1</sup>[Foreigners Act, 1940 (II of 1940)], and the Foreigners Order, 1939,<sup>2</sup> save where the context otherwise requires,—

- (i) references to British India shall be construed as references to the Administered Area concerned, and
- (ii) references to any Act shall be construed as references to that Act as applied to the Administered Area concerned.

2. In the <sup>1</sup>[Foreigners Act, 1940 (II of 1940)],—

- (i) for the words "Central Government", wherever they occur, the words "Crown Representative" shall be substituted; and
- (ii) in section 6, for the words "Any District Magistrate and any Commissioner of Police or, where there is no Commissioner of Police, any Superintendent of Police" the words "The officer exercising the powers of a District Magistrate in the Administered Area" shall be substituted.

3. In the Foreigners Order, 1939,<sup>2</sup>—

- (i) references to the Central Government shall be construed, in respect of the British Reserve in Manipur as references to the Governor of Assam, and in respect of the other Administered Areas as references to the Resident; and
- (ii) sub-paragraph (3) of paragraph 1 shall be omitted.

[*Gazette of India*, 1939, Extraordinary, p. 179.]

<sup>1</sup> Subs., Pol. Dept., Notification No. 3-W., dated the 13th March, 1940.

<sup>2</sup> *Supra*, p. 31.

*Pol. Dept., No. 320-I.B., dated the 28th August, 1939.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct that the <sup>1</sup>[Foreigners Act, 1940 (II of 1940)], and the Foreigners Order, 1939,<sup>2</sup> shall apply to the Khasi States, including the Shillong Administered Areas, in so far as the same may be applicable, and subject to any amendments to which the said Ordinance and the said Order are for the time being subject in British India and subject to the modifications specified in the Schedule hereto annexed :

Provided that for the purpose of facilitating the application of the said Ordinance and the said Order, any Court or Authority may construe the provisions thereof with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

#### *Schedule.*

#### 1. In the <sup>1</sup>[Foreigners Act, 1940 (II of 1940)].—

##### (a) save where the context otherwise requires,—

- (i) references to the Central Government shall be construed as references to the Crown Representative, and
- (ii) references to British India shall be construed as references to the Khasi States, including the Shillong Administered Areas, and

##### (b) in section 6, for the words " Any District Magistrate and any Commissioner of Police, or, where there is no Commissioner of Police, any Superintendent of Police " the words " The officer exercising the powers of a District Magistrate in the Khasi States " shall be substituted.

#### 2. In the Foreigners Order, 1939,<sup>2</sup>—

##### (a) save where the context otherwise requires,—

- (i) references to the Central Government shall be construed as references to the Governor of Assam, and
- (ii) references to British India shall be construed as references to the Khasi States including the Shillong Administered Areas ; and

##### (b) sub-paragraph (3) of paragraph 1 shall be omitted.

[*Gazette of India*, 1939, Extraordinary, p. 180.]

<sup>1</sup> Subs., Pol Dept., Notification No. 3 W., dated the 13th March, 1940.

<sup>2</sup> *Supra*, p. 31.



*Pol. Dept., No. 14-W., dated the 5th September, 1939.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the areas in Indian States specified in the First Schedule hereto annexed (hereinafter referred to as the Administered Areas), the Transfer of Aircraft and Vessels Restriction Ordinance, 1939 (Ordinance No. IV of 1939), subject to the modifications specified in the Second Schedule.

*First Schedule.*

1. The Cantonment of Baroda.

2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.

3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.

4. The Gwalior Residency Area.

5. The District of Abu.

6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.

7. The Civil and Military Station of Bangalore.

8. The Kolhapur Residency Area and the Wadi Jaghir.

9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I.B. and 190-I.B., dated the 8th September 1937.

10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.

11. The Punjab States railway lands specified in the Punjab Railway Lands (Application of Laws) Order, 1937.

12. The Thana Circles in the Gujarat States Agency and the Dangs.

13. The British Reserve in Manipur.

*Second Schedule.*

1. Sub-section (2) of section 1 and section 4 shall be omitted.

2. In section 3, for the words "Central Government" the words "Crown Representative" shall be substituted.

[*Gazette of India*, 1939, Extraordinary, p. 225.]

*Pol. Dept., No. 15-W., dated the 5th September, 1939.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct that the Transfer of Aircraft and Vessels Restriction Ordinance, 1939 (Ordinance No. IV of 1939) shall apply to the Khasi States, including the Shillong Administered Areas.

*Schedule*

1. Sub-section (2) of section 1 and section 4 shall be omitted.
2. In section 3, for the words "Central Government" the words "Crown Representative" shall be substituted.

[*Gazette of India*, 1939, Extraordinary, p 226.]

*Pol. Dept., No. 37-W., dated the 14th November, 1939.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, and in supersession of the notification of the Political Department, No. 21-W., dated the 19th September, 1939, the Crown Representative is pleased to apply to the Gilgit Sub-Division, the Defence of India Act, 1939 (XXXV of 1939), subject to any amendments to which the said Act is for the time being subject in British India and to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Act as so applied, and of any rules, notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

*Schedule.*

- 1. Save where the context otherwise requires,—**

- (i) references to the Central Government shall be construed as references to the Crown Representative;
- (ii) references to the Provincial Government shall be construed as references to the Resident in Kashmir;
- (iii) references to the defence of British India shall be construed as including references to the defence of the said Sub-Division;
- (iv) references to British India (otherwise than in the expression "defence of British India") or to a Province of British India shall be construed as references to the said Sub-Division;



3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.

4. The Gwalior Residency Area.

5. The District of Abu.

6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.

7. The Civil and Military Station of Bangalore.

8. The Kolhapur Residency Area and the Wadi Jaghir.

9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I.B. and 190-I.B., dated the 8th September 1937.

10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.

11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939

12. The Thana Circles in the Gujarat States Agency and the Dangs.

*Second Schedule.*

1. Save where the context otherwise requires,—

(i) references to the Central Government shall be construed as references to the Crown Representative,

(ii) references to the Provincial Government shall be construed as references to the Resident who exercises jurisdiction in the Administered Area concerned,

(iii) references to the defence of British India shall be construed as including references to the defence of the Administered Areas,

(iv) references to British India (otherwise than in the expression "defence of British India") or to a Province of British India shall be construed as references to the Administered Area concerned,

(v) references to His Majesty's subjects or British subjects shall be construed as references to all persons in the Administered Areas, and

(vi) references to any Act shall be construed as references to that Act, as applied to, or to the analogous law in force in, the Administered Area concerned.

2. Sub-section (2) of section 1. clause (iv) of sub-section (3) and clauses (b) and (c) of sub-section (4) of section 2, section 4, sub-section (5) of section 6, section 7, clause (f) of sub-section (1) of section 19 and section 20 shall be omitted.

- (ii) references to the Provincial Government shall be construed as references to the Governor of Assam,
- (iii) references to the defence of British India shall be construed as including references to the defence of the Khasi States, including the Shillong Administered Areas,
- (iv) references to British India (otherwise than in the expression "defence of British India") or to a Province of British India shall be construed as references to the Khasi States, including the Shillong Administered Areas, and
- (v) references to His Majesty's subjects or British subjects shall be construed as references to all persons in the Khasi States, including the Shillong Administered Areas.

[*Gazette of India*, 1939, Extraordinary, p. 474.]

*Pol. Dept., No. 1-W., dated the 2nd January, 1910.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following Law:—

1. This Law may be called the Railway Lands (Employment of Indian State Forces) Law, 1939.

2. Whenever a military force of an Indian State is, with the authority of the Political Agent accredited to that State, engaged in the maintenance of public order in, or in the protection of, any railway lands over which the Crown Representative has jurisdiction, whether in that or in any other such State,—

- (a) every member of such force may take such steps and use such force as may be necessary for the prevention of any act done or likely to be done with intent to impair the efficiency or impede the work of, or to cause damage to, any railway, any machinery, apparatus or other thing used on the railway or in the railway lands or any building or other property in the railway lands;
- (b) when a Magistrate determines to disperse any unlawful assembly by military force, he may require any commissioned or non-commissioned officer of such force to disperse the assembly by military force and to arrest and confine such persons forming part of it as the Magistrate may direct or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law, and every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force and do as little injury to person and property, as may be

consistent with dispersing the assembly and arresting and detaining such persons; and

- (c) when the public security is manifestly endangered by any unlawful assembly and when no Magistrate can be communicated with, any commissioned officer of such force may disperse the assembly by military force and may arrest and confine any persons forming part of it in order to disperse such assembly or that they may be punished according to law; but if while he is so acting it becomes practicable for him to communicate with a Magistrate he shall do so and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

3. Whenever a police force of an Indian State is, with the Authority of the Political Agent accredited to that State, engaged in the maintenance of public order in, or in the protection of, any railway lands over which the Crown Representative has jurisdiction, whether in that or in any other such State,—

(a) every member of such police force shall be deemed to be—

(i) a public servant for the purposes of the Indian Penal Code or of any other law as applied to or in force in those railway lands, and

(ii) a police officer for the purposes of Chapters V, IX and XIII (excepting section 153) of the Code of Criminal Procedure, 1898, section 31 of the Police Act, 1861, and section 131 of the Indian Railways Act, 1890, as applied to or in force in those railway lands; and

(b) every member of such police force, not below the rank which corresponds to that of a sub-inspector of police in British India, shall be deemed to be an officer in charge of a police station for the purposes of sections 55, 56, 62, 127 and 128 of the Code of Criminal Procedure, 1898, as applied to or in force in those railway lands.

4. No suit, prosecution or other legal proceeding shall lie against any member of any military or police force of an Indian State for anything done in good faith in pursuance of, or in the exercise of powers conferred by, this law.

[*Gazette of India*, 1910, Extraordinary, p. 1.]

*Pol. Dept., No. 5-W., dated the 28th March, 1940.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, and in supersession of the notification of the Political Department, No. 321-I. B., dated the 28th August 1939, the Crown Representative is pleased to direct that the Foreigners Act, 1940 (II of 1940), and all general orders

made or hereafter to be made thereunder applying to British India, shall apply to the Gilgit Sub-Division :

Provided that in the said Act and orders, all references to the Central Government and British India shall be construed as references to the Crown Representative and the Gilgit Sub-Division, respectively.

[*Gazette of India*, 1940, Extraordinary, p. 83.]

*Pol. Dept., No. 17-W., dated the 18th July, 1940.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the areas in Indian States specified in the First Schedule hereto annexed (hereinafter referred to as the Administered Areas), the National Service (Technical Personnel) Ordinance, 1940, subject to any amendments to which the said Ordinance is for the time being subject in British India and subject to the modifications specified in the Second Schedule :

Provided that any Court or Authority may construe the provisions of the said Ordinance as so applied, and of any rules, notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

*First Schedule.*

1. The Cantonment of Baroda.
2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
4. The Gwalior Residency Area.
5. The District of Abu.
6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I.B. and 190-I.B., dated the 8th September, 1937.
10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.

11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.
12. The Thana Circles in the Gujarat States Agency and the Dangs.

*Second Schedule.*

1. Throughout the Ordinance, for the words "Central Government", wherever they occur, the words "Crown Representative" shall be substituted.
2. Sub-section (2) of section 1 shall be omitted.
3. To the proviso to section 3, the words "or if he is serving under the Crown Representative except with the written consent of the Crown Representative" shall be added.
4. In sub-section (7) of section 5 and sub-section (5) of section 12, after the figures "1898" the words "as applied to, or of the analogous law in force in, the Administered Area" shall be inserted.
- 1[ 4A. In sub-section (1) of sections 5 and 12, the words "and in such places" shall be omitted.]
5. In sub-section (2) of section 12, for the words "member of the civil service of the Crown not lower in status than a District and Sessions Judge" the words "person in the civil service of the Crown with judicial experience" shall be substituted.
6. In sub-section (2) of section 14, the words "a Presidency Magistrate or" shall be omitted.

[Gazette of India, Extraordinary, 1940, p. 431.]

*Pol. Dept., No. 19-W., dated the 18th July, 1940*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the Khasi States, including the Shillong Administered Areas, and the British Reserve in Manipur, the National Service (Technical Personnel) Ordinance, 1940, subject to any amendments to which the said Ordinance is for the time being subject in British India and subject to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Ordinance as so applied, and of any rules, notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.



*Schedule.*

1. Throughout the Ordinance, for the words "Central Government", wherever they occur, the words "Crown Representative" shall be substituted.
2. Sub-section (2) of section 1 shall be omitted.
3. To the proviso to section 3, the words "or if he is serving under the Crown Representative except with the written consent of the Crown Representative" shall be added.
4. In sub-section (7) of section 5 and sub-section (5) of section 12, after the figures "1893" the words "as applied to, or of the analogous law in force in, the Administered Area concerned" shall be inserted.
- 1[4A. In sub-section (1) of sections 5 and 12, the words "and in such places" shall be omitted.]
5. In sub-section (2) of section 12, for the words "member of the civil service of the Crown not lower in status than a District and Sessions Judge" the words "person in the civil service of the Crown with judicial experience" shall be substituted.
6. In sub-section (2) of section 14, the words "a Presidency Magistrate or" shall be omitted.

[*Gazette of India*, Extraordinary, 1910, p. 432.]

*Pol. Dept., No. 23-W., dated the 6th August, 1910.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in this behalf, the Crown Representative is pleased to make the following Law, namely:—

1. (1) This Law may be called the Administered Areas Currency Law, 1910.

(2) It extends to the Areas specified in the Schedule to this Law.

(3) It shall come into force at once.

2. Notes of the denominational value of one rupee issued by the Central Government under the Currency Ordinance, 1910,—

(i) shall be current in the Areas to which this Law extends in the same manner and to the same extent and as fully as the silver coin called the Government rupee issued under the provisions of the Indian Coinage Act, 1906;

(ii) shall be legal tender in the said Areas for the payment of any amount; and

(iii) shall be deemed to be currency notes for the purposes of sections 189A, 489B, 489C and 489D of the Indian Penal

Ordinance  
No. IV of  
1910.

III of 19

Act XLV  
1900

Code as applied to, or of the analogous law in force in, the said Areas.

*Schedule.*

1. The Cantonment of Baroda.
2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
3. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
4. The Gwalior Residency Area.
5. The District of Abu.
6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I.B. and 190-I.B., dated the 8th September, 1937.
10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.
12. The Thana Circles in the Gujarat States Agency and the Dangs.
13. The British Reserve in Manipur.
14. The Khasi States, including the Shillong Administered Areas.
15. The Gilgit Sub-Division.]

[*Gazette of India*, Extraordinary, 1940, p. 473.]

*Pol. Dept., No. 26-W., dated the 12th August, 1940.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to the Khasi States, including the Shillong Administered Areas, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct that the Defence of India Rules shall apply to, and shall be deemed to have been in force from the 14th November, 1939, in the said States, including the said Areas, in so far as the same may be applicable, and subject to any amendments

<sup>1</sup> Added, Pol. Dept. Notfn. No. 226-I. B., dated the 30th August, 1940.

to which the said Rules are for the time being subject in British India, and subject to the modifications specified in the Schedule hereto annexed :

Provided that for the purpose of facilitating the application of the said Rules and of any orders made thereunder, any Court or Authority may construe the provisions thereof with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

#### *Schedule.*

Save where the context otherwise requires—

- (i) references to the Central Government shall be construed as references to the Crown Representative,
- (ii) references to the Provincial Government shall be construed as references to the Governor of Assam,
- (iii) references to the defence of British India shall be construed as including references to the defence of the Khasi States, including the Shillong Administered Areas,
- (iv) references to British India (otherwise than in the expression "defence of British India") or to a Province of British India shall be construed as references to the Khasi States, including the Shillong Administered Areas, and
- (v) references to His Majesty's subjects or British subjects shall be construed as references to all persons in the Khasi States, including the Shillong Administered Areas.

[*Gazette of India*, Extraordinary, 1940, p. 487.]

*Pol. Dept., No. 45-I. B., dated the 7th February, 1941.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, and in supersession of the Political Department notifications specified in the List<sup>1</sup> below, the Crown Representative is pleased to apply to the areas in the Indian States specified in the Schedule hereto annexed, the National Service (European British Subjects) Act, 1940 (XVIII of 1940), subject to all amendments to which it is for the time being subject in British India and to the following modifications, namely :—

- (1) Throughout the Act, for the words "Central Government", wherever they occur, the words "Crown Representative" shall be substituted.
- (2) Sub-sections (2) and (3) of section 1 shall be omitted.
- (3) In section 5, after sub-section (2) the following sub-section shall be inserted, namely :—

"(2A) Notwithstanding anything contained in the two preceding sub-sections, where a National Service Advisory Committee has been constituted by the Government of India

under section 5 of the National Service (European British Subjects) Act, 1940, for any area including one or more areas to which this Act applies, that Committee shall, for the purposes of this Act, be deemed to have been duly constituted under this section for that area or those areas."

- (4) In section 9, after sub-section (2) the following sub-section shall be inserted, namely:—

"(2A) Notwithstanding anything contained in the two preceding sub-sections, where a Tribunal has been constituted by the Government of India under section 9 of the National Service (European British Subjects) Act, 1940, for any area including one or more areas to which this Act applies, that Tribunal shall, for the purposes of this Act, be deemed to have been duly constituted under this section for that area or those areas."

*Schedule.*

1. The Cantonment of Baroda.
2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
4. The District of Abu.
5. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
6. The Civil and Military Station of Bangalore.
7. The Gwalior Residency Area.
8. The Kolhapur Residency Area.
9. The Wadi Jaghir.
10. The Thana Circles in the Rewa Kantha Agency in the Gujarat States Agency and the Dangs.
11. The railway lands in the Gujarat States Agency.
12. The railway lands in the Western India States Agency specified in the notifications of the Political Department Nos. 189-I. B. and 190-I. B., dated the 8th September, 1937.
13. Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
14. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.

15. The British Reserve in Manipur.

<sup>1</sup>[16. The Khasi States, including the Shillong Administered Areas.]

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[*Gazette of India*, 1911, Pt. I-A, p. 22.]

*Pol. Dept., No. 180-I. B., d* . . . . .  
the powers conferred by the  
Council, 1937, and of all other  
Crown Representative is please  
specified in the Second Schedule hereto annexed, the War Risks (Goods)  
Insurance Ordinance, 1940 (IX of 1940), subject to any amendments  
to which the said Ordinance is for the time being subject in British  
India and to the modifications specified in the First Schedule hereto  
annexed :

Provided that any Court or Authority may construe the provisions  
of the said Ordinance as so applied, and of any rules, notifications, orders,  
directions or regulations made or issued thereunder, with such modi-  
fications not affecting the substance as may be necessary or proper to  
adapt them to the matter before that Court or Authority.

#### *First Schedule.*

1. For the words (wherever they occur)—

(a) "Central Government",

(b) "British India", and

(c) "War Risks (Goods) Insurance" or "War Risks Insurance",  
the words—

(a) "Crown Representative",

(b) "the Administered Areas", and

(c) "War Risks (Goods) Insurance (Administered Areas)",  
shall be substituted.

2. Sub-sections (2) and (3) of section 1 shall be omitted.

3. To section 2 the following clause shall be added, namely :—

'(k) "Administered Areas" means the areas in Indian States  
specified in the Second Schedule annexed to the notifica-  
tion of the Political Department, No. 180-I. B., dated the  
28th May 1911.'

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<sup>1</sup> Added, *Pol. Dept. Notfn No. 232 I B.*, dated the 30th July, 1911.

*Second Schedule.*

1. The Cantonment of Baroda.
2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
4. The Gwalior Residency Area.
5. The District of Abu.
6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I.B. and 190-I.B., dated the 8th September, 1937.
10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939
12. The Thana Circles in the Rewa Kantha Agency in the Gujarat States Agency and the Dangs
13. The British Reserve in Manipur.
14. The Shillong Administered Areas.]

[*Gazette of India*, 1941, Pt. I-A, p. 102.]

*Pol. Dept., No. 195-I, B., dated the 11th June, 1941.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the British Reserve in Manipur, the Air Raid Precautions Services Ordinance, 1941 (Ordinance No. IV of 1941), subject to any amendments to which the said Ordinance is for the time being subject in British India and subject to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Ordinance as so applied and of any rules, notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

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<sup>1</sup> Added. Pol. Dept. Notin. No. 25 I. B., dated the 2nd February, 1942.

*Schedule.*

1. Reference to British India shall be read as reference to the British Reserve in Manipur.
2. References to the Central Government and to the Provincial Government shall be read as references to the Crown Representative and the Governor of Assam, respectively.

[*Gazette of India*, 1941, Pt. I-A, p. 109.]

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*Pol. Dept., No. 196-I. B., dated the 11th June, 1941.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the Khasi States and the Shillong Administered Areas in the Khasi Hills, Assam, the Air Raid Precautions Services Ordinance, 1941 (Ordinance No. IV of 1941), subject to any amendments to which the said Ordinance is for the time being subject in British India and subject to the modification specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Ordinance as so applied and of any rules, notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

*Schedule.*

1. Reference to British India shall be read as reference to the Khasi States and the Shillong Administered Areas.
2. References to the Central Government and to the Provincial Government shall be read as references to the Crown Representative and the Governor of Assam, respectively.

[*Gazette of India*, 1941, Pt. I-A, p. 109.]

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*Pol. Dept., No. 3-I. B., dated the 8th January, 1942.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the Khasi States, including the Shillong Administered Areas, the War Injuries Ordinance, 1941 (Ordinance No. VII of 1941), as in force for the time being in the Province of Assam and subject to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Ordinance as so applied and of any rules, notifications, orders,

directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

*Schedule.*

1. Reference to British India shall be read as reference to the Khasi States, including the Shillong Administered Areas.
2. References to the Central Government shall be read as references to the Crown Representative.

[*Gazette of India*, 1942, Pt. I-A, p. 3.]

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*Pol. Dept., No. 4-I. B., dated the 8th January, 1942.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the British Reserve in Manipur, the War Injuries Ordinance, 1941 (Ordinance No. VII of 1941), as in force for the time being in the Province of Assam and subject to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Ordinance as so applied, and of any rules, notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

*Schedule.*

1. Reference to British India shall be read as reference to the British Reserve in Manipur.
2. References to the Central Government shall be read as references to the Crown Representative.

[*Gazette of India*, 1942, Pt. I-A, p. 4.]

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*Pol. Dept., No. 5-I. B., dated the 8th January, 1942.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the Shillong Administered Areas, the Civic Guards Ordinance, 1940 (Ordinance No. VIII of 1940), as in force for the time being in the Province of Assam and subject to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Ordinance as so applied and of any rules, notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.



*Schedule.*

1. Reference to British India shall be read as reference to the Shillong Administered Areas.
2. References to the Central Government and to the Provincial Government shall be read as references to the Crown Representative and the Governor of Assam, respectively.
3. In section 2, for the words "The District Magistrate in a district or the Commissioner of Police in a Presidency town may constitute for the district or Presidency town, as the case may be," substitute the words "The Political Officer of the Khasi States may constitute for the Shillong Administered Areas".
4. In sections 3 and 4 for the words "The District Magistrate in a district or the Commissioner of Police in a Presidency town" substitute the words "The Political Officer of the Khasi States".
5. In sub-section (2) of section 5, for the words "the District Magistrate, or of the Commissioner of Police in a Presidency town" substitute the words "the Political Officer of the Khasi States".
6. In section 8,—
  - (i) omit the words "or in any Chief Commissioner's Province other than British Baluchistan, the Chief Commissioner";
  - (ii) in clause (a), for the words "the District Magistrate" substitute the words "the Political Officer of the Khasi States".

[*Gazette of India*, 1942, Pt. I-A, p. 4.]

*Pol. Dept., No. 26-I.* The exercise of the powers conferred by the Order in Council, 1937, and of all other powers on behalf, the Crown Representative is pleased to apply to the Shillong Administered Areas the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No. XI of 1941), as in force for the time being in the Province of Assam and subject to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Ordinance as so applied and of any rules, notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

*Schedule.*

1. Reference to British India shall be read as reference to the Shillong Administered Areas.

2. References to the Central Government and the Provincial Government shall be read as references to the Crown Representative and the Governor of Assam, respectively.

[*Gazette of India*, 1942, Pt. I-A, p. 13.]

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*Pol. Dept., No. 28-I. B., dated the 3rd February, 1942.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the British Reserve in Manipur the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No. XI of 1941), as in force for the time being in the Province of Assam and subject to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Ordinance as so applied and of any rules, notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

*Schedule.*

1. Reference to British India shall be read as reference to the British Reserve in Manipur.
2. References to the Central Government and the Provincial Government shall be read as references to the Crown Representative and the Governor of Assam, respectively.

[*Gazette of India*, 1942, Pt. I-A, p. 13.]

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*Pol. Dept., No. 74-I. B., dated the 5th March, 1942.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the British Reserve in Manipur the Special Criminal Courts Ordinance, 1942 (No. II of 1942), and the Penalties (Enhancement) Ordinance, 1942 (No. III of 1942), as in force for the time being in the Province of Assam and subject to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Ordinances as so applied and of any rules, notifications, orders, directions or regulations made or issued thereunder, with such

*Schedule.*

1. Save where the context otherwise requires—
  - (i) references to the Central Government shall be construed as references to the Crown Representative,
  - (ii) references to the Provincial Government shall be construed as references to the Resident who exercises jurisdiction in the Administered Area concerned,
  - (iii) references to the defence of British India shall be construed as including references to the defence of the Administered Areas,
  - (iv) references to British India (otherwise than in the expression "defence of British India") or to a Province of British India shall be construed as references to the Administered Area concerned,
  - (v) references to His Majesty's subjects or British subjects shall be construed as references to all persons in the Administered Areas, and
  - (vi) references to any Act shall be construed in rules 34, 70, 72 and 73 as including, and in the other rules as being, references to that Act as applied to, or to the analogous law in force in, the Administered Area concerned.
2. Clause (9) of rule 2 shall be omitted.
3. In rule 13, for the words "British India" the word "India" shall be substituted.
4. In rule 26, the provisos to sub-rules (1) and (2) shall be omitted.
5. In sub-rule (1) of rule 124, for the words "a District Magistrate, Sub-Divisional Magistrate, Presidency Magistrate or Magistrate of the first class" the words "an officer exercising the powers of a District Magistrate or of a Magistrate of the first class in the Administered Area" shall be substituted.

[*Gazette of India, Extraordinary, 1939, p. 76.*]

*Pol. Dept., No. 8-W., dated the 3rd September 1939.*—In exercise of the powers conferred by section 2 of the Defence of India Ordinance, 1939,<sup>1</sup> as applied to the British Reserve in Manipur by the Political Department Notification No. 7-W., dated the 3rd September, 1939,<sup>2</sup> and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said British Reserve the Defence of India Rules,<sup>3</sup> [subject to any amendments to which the said Rules

<sup>1</sup> Repealed by the Defence of India Act, 1939 (XXXV of 1939), but this Notification is kept alive by virtue of the provisions of s. 21 of the Act.

<sup>2</sup> See now Notification No. 32-W., dated the 14th November, 1939, *supra*, p. 266.

<sup>3</sup> *Ind. Pol. Dept. Notfn. No. 25 W., dated the 19th September, 1939.*

are for the time being subject in British India, and] subject to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Rules as so applied, and of any notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

### *Schedule.*

#### 1. Save where the context otherwise requires—

- (i) references to the Central Government shall be construed as references to the Crown Representative,
- (ii) references to the Provincial Government shall be construed as references to the Governor of Assam,
- (iii) references to the defence of British India shall be construed as including references to the defence of the British Reserve in Manipur,
- (iv) references to British India (otherwise than in the expression "defence of British India") or to a Province of British India shall be construed as references to the said British Reserve,
- (v) references to His Majesty's subjects or British subjects shall be construed as references to all persons in the said British Reserve, and
- (vi) references to any Act shall be construed, in rules 34, 70, 72 and 73 as including, and in the other rules as being, references to that Act as applied to, or to the analogous law in force in, the said British Reserve.

#### 2. Clause (9) of rule 2 shall be omitted.

3. In rule 13, for the words "British India" the word "India" shall be substituted.

#### 4. In rule 26, the provisos to sub-rules (1) and (2) shall be omitted.

5. In sub-rule (1) of rule 124, for the words "a District Magistrate, Sub-Divisional Magistrate, Presidency Magistrate or Magistrate of the first class" the words "an officer exercising the powers of a District Magistrate or of a Magistrate of the first class in the British Reserve in Manipur" shall be substituted.

[*Gazette of India*, Extraordinary, 1939, p. 77.]

*Pol. Dept., No. 22-W., dated the 19th September 1939.*—In exercise of the powers conferred by section 2 of the Defence of India Ordinance,

1939,<sup>1</sup> as applied to the Gilgit Sub-Division and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said Sub-Division, the Defence of India Rules, subject to all amendments to which the said Rules are for the time being subject in British India and to the modifications specified in the Schedule hereto annexed:

Provided that any Court or Authority may construe the provisions of the said Rules as so applied with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

### *Schedule.*

1. Save where the context otherwise requires,—

- (i) references to the Central Government shall be construed as references to the Crown Representative;
- (ii) references to the Provincial Government shall be construed as references to the Resident in Kashmir;
- (iii) references to the defence of British India shall be construed as including references to the defence of the said Sub-Division;
- (iv) references to British India (otherwise than in the expression "defence of British India") or to a Province of British India, shall be construed as references to the said Sub-Division;
- (v) references to His Majesty's subjects or British subjects shall be construed as references to all persons in the said Sub-Division; and
- (vi) references to any act shall be construed, in rules 34, 70, 72 and 73 as including, and in the other rules as being, references to that Act as applied to, or to the analogous law in force in, the said Sub-Division.

2. Clause (9) of rule 2 shall be omitted.

3. In rule 13, for the words "British India" the word "India" shall be substituted.

4. In rule 26, the provisos to sub-rules (1) and (2) shall be omitted.

5. In sub-rule (1) of rule 124, for the words "a District Magistrate, Sub-Divisional Magistrate, Presidency Magistrate or Magistrate of the first class", the words "an officer exercising the powers of a District Magistrate or of a Magistrate of the first class in the Gilgit Sub-Division" shall be substituted.

[*Gazette of India*, Extraordinary, 1939, p. 288.]

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<sup>1</sup> Repealed by the Defence of India Act, 1939 (XXXV of 1939); but this Notification is kept alive by virtue of the provisions of s. 21 of the Act.

*Pol. Dept., No. 2-W., dated the 18th January, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to the Central India Administered Areas, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct that the powers conferred on him by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to the said Areas, to provide for regulating the movement of articles or things of any description whatsoever shall be exercisable also by the Resident for Central India in respect of the said Areas.

[ *Gazette of India*, Extraordinary, 1940, p. 9.]

*Pol. Dept., No. 11-W., dated the 17th June, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to certain areas in Indian States, to the British Reserve in Manipur and to the Khasi States, including the Shillong Administered Areas, by the notifications<sup>1</sup> of the Political Department, Nos. 38-W., 39-W., and 40-W., respectively, dated the 14th November, 1939, and in supersession of the notification of the Political Department, No. 19-W., dated the 11th September, 1939, the Crown Representative is pleased to direct that the powers conferred on him by clause (b) of sub-rule (2) of rule 81 of the Defence

sale market, and the powers conferred on him by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (b) thereof, shall be exercisable also by any Resident, in respect of the administered areas, and the Governor of Assam in respect of the British Reserve in Manipur and the Khasi States, including the Shillong Administered Areas, subject to the condition that the said powers shall, in respect of any imported articles other than salt, kerosene oil and medicines, be exercisable only with the previous sanction of the Crown Representative

#### *Schedule.*

Grains, pulses and flour.

Gur.

Milk and ghee.

Vegetable oils.

Chillies, turmeric and onions.

Salt.

<sup>1</sup> *Supra*, pp 264, 266 and 267.

Dhuties, lungies, saris and shirtings of Indian manufacture, woven from yarn of counts not exceeding 20s. in the warp or the weft.

Kerosene oil.

Charcoal, steam coal and fire-wood.

Matches.

Medicines.

Household soap.

Fodder, bran, pollard and oilcakes.

[*Gazette of India*, Extraordinary, 1940, p. 219.]

*Pol. Dept., No. 13-W., dated the 3rd July, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to the Gilgit Sub-Division, and in supersession of the notification of the Political Department, No. 23-W., dated the 19th September, 1939, the Crown Representative is pleased to direct that the powers conferred on him by clause (b) of sub-rule (2) of rule 81 of the Defence of India Rules, as applied to the said Sub-Division, to provide by order for controlling the prices at which the articles specified in the Schedule annexed hereto may be sold otherwise than in a primary wholesale market, and the powers conferred on him by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (b) thereof, shall be exercisable also by the Political Agent, Gilgit, in respect of the said Sub-Division, subject to the following conditions, namely:—

- (1) the said powers shall, in respect of any imported articles other than salt, kerosene oil and medicines, be exercisable only with the previous sanction of the Crown Representative;
- (2) the said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Crown Representative.

#### *Schedule.*

Grains, pulses and flour.

Gur.

Milk and ghee.

Vegetable oils.

Chillies, turmeric and onions.

Salt.

Dhuties, lungies, saris and shirtings of Indian manufacture, woven from yarn of counts not exceeding 20s. in the warp or the weft

Kerosene oil.  
Charcoal, steam coal and fire-wood.  
Matches.  
Medicines.  
Household soap.  
Fodder, bran, pollard and oilcakes.

[ *Gazette of India*, Extraordinary, 1910, p. 293.]

*Pol. Dept., No. 14-W., dated the 11th July, 1910.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, by the notifications<sup>1</sup> of the Political Department, Nos. 38-W., 39-W. and 40-W., respectively, dated the 14th November, 1939, the Crown Representative is pleased to direct that the following powers under the Defence of India Rules as applied to the said areas, Reserve and States, shall be exercisable also by the Controller of Enemy Firms in British India, namely:—

- (i) the power, under rule 105, of appointing Deputy Controllers and Inspectors of Enemy Firms, and of providing for the distribution and allocation of the work to be performed by them, and
- (ii) all powers under rules \*      \*<sup>2</sup>      110 and 111.

[ *Gazette of India*, Extraordinary, 1910, p. 341.]

*Pol. Dept., No. 15-W., dated the 11th July, 1910.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, by the notifications<sup>1</sup> of the Political Department, Nos. 38-W., 39-W., and 40-W., respectively, dated the 14th November, 1939, the Crown Representative is pleased to direct that the powers conferred on him by clause (a) of sub-rule (2) of rule 81 of the Defence of India Rules as applied to the said areas, Reserve and States, to provide by order for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances, and the powers conferred on him by clause (f) of the said sub-rule to provide for any incidental and

<sup>1</sup> *Supra*, pp. 261, 263 and 267.

<sup>2</sup> Figures omitted, *Pol. Dept. Notfn. No. 36-W.*, dated the 1st October, 1910.



supplementary matters for which it is expedient to provide for the purposes of an order made under clause (a) thereof, shall be exercisable also by any Resident, in respect of the administered areas, and the Governor of Assam in respect of the British Reserve in Manipur and the Khasi States, including the Shillong Administered Areas, subject to the following conditions, namely :—

- (1) the said powers shall be exercisable only in respect of the articles specified in the Schedule annexed to the notification of the Political Department, <sup>1</sup>No. 11-W., dated the 17th June, 1940 ;
- (2) the said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Crown Representative.

[ *Gazette of India*, Extraordinary, 1940, p. 341.]

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*Pol. Dept., 22-W., dated the 6th August, 1940*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to the Gilgit Sub-Division, the Crown Representative is pleased to direct that the power conferred on him by clause (a) of sub-rule (2) of rule 81 of the Defence of India Rules, as applied to the said Sub-Division, to provide by order for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances, and the power conferred on him by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (a) thereof shall be exercisable also by the Political Agent, Gilgit, in respect of the said Sub-Division, subject to the following conditions, namely :—

- (1) the said powers shall be exercisable only in respect of the articles specified in the Schedule annexed to the notification of the Political Department, No. <sup>2</sup>13-W., dated the 3rd July 1940 ;
- (2) the said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Crown Representative.

[ *Gazette of India*, Extraordinary, 1940, p. 473.]

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*Pol. Dept., No. 289-I. B., dated the 23rd October, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of

<sup>1</sup> *Supra*, p. 287.

<sup>2</sup> *Supra*, p. 298.

India Act, 1939 (XXXV of 1939), as in force in the Baluchistan Leased Areas, the Crown Representative is pleased to direct that the powers conferred on him by rule 79 of the Defence of India Rules shall be exercisable also by the Political Agent, Quetta-Pishin.

[*Gazette of India*, 1940, Pt. I-A, p. 198.]

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*Pol. Dept., No. 7-W., dated the 8th January, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence India Act, 1939 (XXXV of 1939), as in force in the Railway Lands the Mysore State over which jurisdiction has been ceded to the Crown Representative, the Crown Representative is pleased to direct that the powers conferred on him by rule 6 in virtue of rule 7 of the Defence India Rules, as in force in the said Railway Lands, shall, in respect of the Tungabhadra Railway Bridge, Madras and Southern Mahratta Railway, near Harihar, being a protected place, be exercisable also by the District Engineer, Madras and Southern Mahratta Railway, Hul

[*Gazette of India*, Extraordinary, 1941, p. 56.]

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*Pol. Dept., No. 8-W., dated the 6th February, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence India Act, 1939 (XXXV of 1939), as applied to the Central India Administered Areas, the Crown Representative is pleased to direct that the powers conferred on him by rule 6 of the Defence of India Rules as applied to the said Areas, shall, in respect of the Fort and Barracks at Mhow, be exercisable also by the Commander, Mhow Area.

[*Gazette of India*, 1941, Pt. I-A, p. 20.]

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*Pol. Dept., No. 10-W., dated the 18th February, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence India Act, 1939 (XXXV of 1939), as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States including the Shillong Administered Areas, by the notifications of the Political Department, Nos. 38-W, 39-W. and 40-W., respectively dated the 14th November 1939, the Crown Representative is pleased to direct that the powers conferred on him by clause (b) of sub-rule 1 of rule 81 of the Defence of India Rules as applied to the said areas, Reserve and States, to provide by order for controlling the prices and rates at which articles or things may be sold or hired, and the powers conferred on him by clause (f) of the said sub-rule to provide for a

*Pol. Dept., No. 162-I. B, dated the 10th May, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as in force in the Baluchistan leased areas, the Crown Representative is pleased to direct that the powers conferred upon him by rule 83 of the Defence of India Rules shall, in respect of mechanically propelled vehicles, be exercisable also by the Resident in Baluchistan.

[*Gazette of India, Extraordinary, 1941, p. 277.*]

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*Pol. Dept., No. 34-W., dated the 19th June, 1941*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to certain areas in Indian States, to the British Reserve in Manipur and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is pleased to direct that the powers conferred upon him by rule 88-A of the Defence of India Rules, as applied to the said areas, Reserve and States, shall be exercisable also in respect of any of the said areas in Indian States, by the Resident of such area, and in respect of the British Reserve in Manipur and the Khasi States, including the Shillong Administered Areas, by the Governor of Assam, in respect of any vehicle or class of vehicles engaged in such work as may be specified by the Resident or the Governor of Assam as the case may be, in exercise of the said powers, and of the driver or person in charge of any such vehicle.

[*Gazette of India, 1941, Pt. I-A, p. 112.*]

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*Pol. Dept., No. 39-W., dated the 3rd July, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to certain areas in Indian States, to the British Reserve in Manipur and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is pleased to direct that the powers conferred on him by sub-rule (1) of rule 55 of the Defence of India Rules, as applied to the said areas, Reserve and States shall, in respect of any premises used for producing, treating, handling or keeping petroleum or any other substance to which any of the provisions of the Petroleum Act, 1934 (XXX of 1934), apply, or may be applied, be exercisable also in respect of any of the said areas in Indian States, by the Resident of such area, and in respect of the British Reserve in Manipur and the Khasi States, including the Shillong Administered Areas, by the Governor of Assam.

[*Gazette of India, 1941, Pt. I-A, p. 117.*]

*Pol. Dept., No. 7-W., dated the 15th January, 1942.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to certain areas in Indian States, to the British Reserve in Manipur and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is pleased to direct that the powers conferred on him by rules 18, 20 and 21, by sub-rules (2) and (3) of rule 19, of the Defence of India Rules, as applied to the said areas, Reserve and States shall be exercisable also in respect of any of the said areas in Indian States, by the Resident of such area, and in respect of the British Reserve in Manipur and the Khasi States, including the Shillong Administered Areas, by the Governor of Assam.

[ *Gazette of India*, 1942, Pt. I-A, p. 6.]

*Pol. Dept., No. 6-W, dated the 8th January, 1941.*—Whereas the Crown Representative considers it expedient that special precautions should be taken to prevent the entry of unauthorised persons into the place specified in the Schedule hereto annexed which lies within the area over which jurisdiction has been ceded by the Mysore Government to the Crown Representative :

Now, therefore, in exercise of the powers conferred by rule 7 of the Defence of India Rules, as in force in the railway lands in the Mysore State over which jurisdiction has been ceded to the Crown Representative, the Crown Representative is pleased to declare the said place to be a protected place.

*Schedule.*

Name of protected place.	Locality.	Boundaries or other description
1	2	3
The Tungabhadra Railway Bridge, Madras and Southern Mahratta Railway.	At mile 80/5-13 near Harihar on the Bangalore-Hubli line.	The area from mile 80/2 to 80/20 near Harihar and 500 feet each way along the river up and down stream of the bridge.

[ *Gazette of India*, Extraordinary, 1941, p. 55.]

*Pol. Dept., No. 59-W., dated the 29th October, 1941*—In exercise of the powers conferred by sub-rule (2) of rule 16 of the Defence of India

Rules, as applied to the areas specified in the Schedule hereto annexed, the Crown Representative is pleased to make the following Order:—

1. (1) This Order may be called the Administered Areas Wireless Telegraphy Apparatus (Possession) Order, 1941.

(2) It extends to the areas specified in the Schedule to this Order.

2. This Order shall not apply in relation to any apparatus acquired by virtue of a permit under the Administered Areas Electrical Apparatus (Dealings) Order, 1941.

3. On and after the 1st November 1941 no person shall, except under the authority of a permit granted by the Director General of Posts and Telegraphs in this behalf, have in his possession or under his control any of the following apparatus, namely:—

(a) wireless apparatus components capable of being assembled to form a wireless transmitter;

(b) any wireless receiving apparatus which is designed to be used also as a wireless transmitter or which can be adapted for such use by the operation of a switch or by the changing of screwed or plug connections.

4. Applications for permits shall be made to the Electrical Engineer-in-Chief, Telegraph Store Yard, Alipore, Calcutta, through an officer exercising the powers of a District Magistrate or of a Commissioner of Police within whose jurisdiction the applicant is residing, on forms obtainable at any Head Post Office or from the Electrical Engineer-in-Chief, stating full particulars of the apparatus concerned, the purpose for which it is required, and the name, address and occupation of the person in whose possession or under whose control the apparatus is to be retained

<sup>2</sup>[5. This Order shall not apply in relation to any apparatus possessed by or under the control of the Defence Department of the Government of India.]

#### *Schedule.*

1. The Cantonment of Baroda.
2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
4. The Gwalior Residency Area.
5. The District of Abu.

<sup>1</sup> *Infra*, p. 300.

<sup>2</sup> *Ins.*, Pol. Dept. Notfn. No. 23-W., dated the 5th March, 1942.

6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir
9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I. B. and 190-I. B., dated the 8th September 1937.
- 10 The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.
- 12 The Thana Circles in the Gujarat States Agency and the Dangs.
- 13 The British Reserve in Manipur.
14. The Khasi States, including the Shillong Administered Areas.

[ *Gazette of India*, Extraordinary, 1941, p. 688 ]

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*Pol. Dept., No. 45-W., dated the 26th November, 1940*—In exercise of the powers conferred by sub-rule (2) of rule 22 of the Defence of India Rules, as applied to certain areas in Indian States, by the notification of the Political Department,<sup>1</sup> No: 6-W., dated the 3rd September, 1939, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said areas the "Control of Non-postal Communications Order, 1910, subject to any amendments to which the said Order is for the time being subject in British India, and subject to the following modifications, namely:—

In clause 3 of the said Order as so applied—

- (a) all references to British India shall be construed as references to the said areas;
- (b) in sub-clause (f), for the words "Central Government" the words "Crown Representative" shall be substituted.

[ *Gazette of India*, Extraordinary, 1910, p. 661.]

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*Pol. Dept., No. 46-W., dated the 26th November, 1940*.—In exercise of the powers conferred by sub-rule (2) of rule 22 of the Defence of India Rules, as applied to the British Reserve in Manipur, by the notification

<sup>1</sup> *Supra*, p. 283.

<sup>2</sup> Vol. II, p. 174.

of the Political Department, No. 18-W., dated the 3rd September 1939, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said British reserve the <sup>2</sup>Control of Non-postal Communications Order, 1940, subject to any amendments to which the said Order is for the time being subject in British India, and subject to the following modifications, namely :—

In clause 3 of the said Order as so applied—

- (a) all references to British India shall be construed as references to the said British reserve ;
- (b) in sub-clause (f), for the words " Central Government " the words " Crown Representative " shall be substituted.

[*Gazette of India*, Extraordinary, 1940, p 661.]

*Pol. Dept., No. 47-W., dated the 26th November, 1940*—In exercise of the powers conferred by sub-rule (2) of rule 22 of the Defence of India Rules, as applied to the Khasi States, including the Shillong Administered Areas, by the notification of the Political Department, <sup>3</sup>No. 26-W., dated the 12th August 1940, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct that the <sup>2</sup>Control of Non-postal Communications Order, 1940, shall apply to the Khasi States, including the Shillong Administered Areas, in so far as the same may be applicable, and subject to any amendments to which the said Order is for the time being subject in British India, and subject to the following modifications, namely :—

In clause 3 of the said Order as so applied—

- (a) all references to British India shall be construed as references to the Khasi States, including the Shillong Administered Areas ;
- (b) in sub-clause (f), for the words " Central Government " the words " Crown Representative " shall be substituted.

[ *Gazette of India*, Extraordinary, 1940, p. 662.]

*Pol. Dept., No. 60-W., dated the 29th October, 1941.*—In exercise of the powers conferred by rule 37-A of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is pleased to make the following Order :—

1. This Order applies to apparatus that generates or uses, and has a maximum power output exceeding ten watts of, electrical energy at a

<sup>1</sup> *Supra*, p. 284

<sup>2</sup> Vol II, p. 174.

<sup>3</sup> *Supra*, p 273.

frequency exceeding ten thousand cycles per second, not being wireless transmitting apparatus.

2. Any person in the case of whom either of the following conditions is satisfied, namely :—

(a) that on the 29th day of October 1941 he has in his possession or under his control any apparatus to which this Order applies, or

(b) that, not having had any such apparatus in his possession or under his control on the said day, there comes into his possession or under his control after the said day any such apparatus,

shall forthwith report that fact to an officer exercising the powers of a District Magistrate or of a Commissioner of Police.

<sup>1</sup>[ This Order shall not apply in relation to any apparatus possessed by or under the control of the Defence Department of the Government of India.]

[ *Gazette of India*, Extraordinary, 1941, p. 689.]

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*Pol. Dept., No. 29-W., dated the 24th March 1942.*—In exercise of the powers conferred by rule 37-A of the Defence of India Rules, as applied to the areas specified in the Schedule hereto annexed, the Crown Representative is pleased to make the following Order :—

1. (1) This Order may be called the Administered Areas High Frequency Apparatus (Possession) Order, 1942.
- (2) It extends to the areas specified in the Schedule to this Order.
2. This Order applies to apparatus that generates or uses, and has a maximum power output exceeding ten watts of, electrical energy at a frequency exceeding ten thousand cycles per second, not being wireless transmitting apparatus.
3. (1) On or after the 1st April 1942, no person shall, except under a permit granted in this behalf by the Director General, Posts and Telegraphs, have in his possession any apparatus to which this Order applies :

Provided that a person who has before such date applied for a permit may retain that apparatus in his possession until orders are passed upon his application.

- (2) In granting a permit under this Order, the Director General, Posts and Telegraphs, may impose such conditions as he thinks fit, upon a breach of any of which he may revoke the permit.

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<sup>1</sup> Added, *Pol. Dept. Notfn. No. 24-W., dated the 6th March 1942.*



4. A person having in his possession any apparatus to which this Order applies may, or if so required by notice in writing given by the District Magistrate or Commissioner of Police in whose jurisdiction he resides, shall, deliver the same for custody to the District Superintendent or Commissioner of Police.
5. Nothing in this Order shall apply to apparatus in the possession or under the control of a Government department.

*Schedule.*

1. The Cantonment of Baroda
2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937
3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
4. The Gwalior Residency Area.
5. The District of Abu.
6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I. B. and 190-I B, dated the 8th September 1937.
10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.
12. The Thana Circles in the Gujarat States Agency and the Dangs.
13. The British Reserve in Manipur.
14. The Khasi States, including the Shillong Administered Areas.

[ *Gazette of India*, Extraordinary, 1912, p. 363.]

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*Gov. Dept., No. 58-W., dated the 29th October 1941*—In exercise of the powers conferred by rule 81 of the Defence of India Rules, as

applied to the areas specified in the Schedule hereto annexed, the Crown Representative is pleased to make the following Order :—

1. (1) This Order may be called the Administered Areas Electrical Apparatus (Dealings) Order, 1941.

(2) It extends to the areas specified in the Schedule to this Order.

(3) It shall come into force on 1st November 1941.

2. Except under the authority of a permit granted by the Director-General of Posts and Telegraphs in this behalf, no person shall sell, purchase, let, hire, supply, dispose of, acquire or distribute any of the following articles, namely :—

(a) articles intended for use as parts of wireless transmitters, namely : high frequency inductors, variable capacitors (condensers), spark coils, quenched and rotary spark gaps ;

(b) any wireless receiving apparatus which is designed to be used also as a wireless transmitter or which can be adapted for such use by the operation of a switch or by the changing of screwed or plug connections ;

(c) high frequency equipment (being equipment which generates or uses high frequency current at frequencies greater than 10,000 cycles per second and having a maximum output exceeding 10 watts), including such equipment intended for use in connection with furnaces and medical apparatus ;

(d) electronic valves capable of an anode dissipation exceeding 20 watts, either as independent items or as component parts of any apparatus ;

(e) line carrier telegraph equipment or line carrier telephone equipment ;

(f) piezo electric quartz plates or piezo electric tourmaline plates cut to oscillate at any specified frequency

3 Applications for permits under paragraph 2 shall be made to the Electrical Engineer-in-Chief, Telegraph Store Yard, Alipore, Calcutta, through an officer exercising the powers of a District Magistrate or of a Commissioner of Police within whose jurisdiction the applicant is residing, on forms obtainable at any Head Post Office or from the Electrical Engineer-in-Chief, stating full particulars of the article concerned, the purpose for which it is required, and the name, address and occupation of the person wishing to obtain it and of the person from whom it is desired to obtain it. Only one application is required in respect of any one transaction.

4. Any person carrying on the business of selling any such article as is specified in paragraph 2 (hereinafter called the vendor) shall maintain a register showing (a) the details of all such articles in his possession together with the dates on which the articles came into his possession



*Pol. Dept., No. 19-W., dated the 26th March 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to certain areas in Indian States, by the notification of the Political Department, <sup>1</sup>No. 6-W., dated the 3rd September 1939, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said areas the <sup>2</sup>Undertakings (Charges and Accounts) Order, 1941, subject to any amendments to which the said Order is for the time being subject in British India :

Provided that in the said Order as so applied, references to the Defence of India Rules shall be construed as references to those Rules, as applied to the said areas, and references to the Central Government shall be construed as references to the Crown Representative

[ *Gazette of India*, 1941, Pt. I-A, p. 69.]

*Pol. Dept., No. 20-W., dated the 26th March 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to the British Reserve in Manipur, by the notification of the Political Department, <sup>3</sup>No. 8-W., dated the 3rd September 1939, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said British Reserve the <sup>2</sup>Undertakings (Charges and Accounts) Order, 1941, subject to any amendments to which the said Order is for the time being subject in British India :

Provided that in the said Order as so applied, references to the Defence of India Rules shall be construed as references to those Rules, as applied to the said British Reserve, and references to the Central Government shall be construed as references to the Crown Representative.

[ *Gazette of India*, 1941, Pt. I-A, p. 69.]

*Pol. Dept., No. 21-W., dated the 26th March 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to the Khasi States, including the Shillong Administered Areas by the notification of the Political Department, <sup>4</sup>No. 26-W., dated the 12th August 1940, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct that the <sup>2</sup>Undertakings (Charges and Accounts) Order, 1941, shall apply to the Khasi States, including the Shillong Administered Areas, in so far as the same may be applicable, and subject to any amendments to which the said Order is for the time being subject in British India :

Provided that in the said Order as so applied, references to the Defence of India Rules shall be construed as references to those Rules as applied to the Khasi States, including the Shillong Administered Areas

<sup>1</sup> *Supra*, p. 283

<sup>2</sup> Vol. II, p. 284.

<sup>3</sup> *Supra*, p. 284

<sup>4</sup> *Supra*, p. 273



Imperial Secretariat, New Delhi, on or before the 15th day of every month commencing with the 15th November 1941, a true return in Form IV of the amounts of newsprint held, acquired, consumed and otherwise disposed of by him during the preceding calendar month.

6. *Submission of returns by proprietors of newspapers first published in 1941.*—Every proprietor of a newspaper first published in 1941 shall submit to the Chief Controller of Imports, Imperial Secretariat, New Delhi, not later than the 30th November 1941, a true return in Form III-A in respect of each such newspaper.]

<sup>1</sup>[7.] *Submission of returns by other persons.*—Every person other than the proprietor of a newspaper press <sup>2</sup>[or of a newspaper], carrying on any undertaking which involves the sale, storage or distribution of newsprint, shall, on or before the 15th day of every month commencing with the 15th July 1941, submit to the Secretary to the Government of India in the Department of Commerce—

3\* \* \* \* \*

\*a true return in Form VI of the stocks of newsprint held, acquired and disposed of by him during the preceding <sup>4</sup>[calendar] month.

<sup>4</sup>[8.] The returns required by clause (b) of paragraph 4 and by paragraph <sup>5</sup>[7] shall, after the 23rd August 1941, be submitted to the Chief Controller of Imports, Imperial Secretariat, New Delhi.]

#### FORM I.

Serial No. ....

#### THE ADMINISTERED AREAS NEWSPRINT CONTROL ORDER, 1941.

(Paragraph 3)

*Permit to sell newsprint*

(Free of all fee.)

..... are hereby authorised to sell the undernoted newsprint to the undernoted person:—

Description	Quantity.	Purchaser.	Remarks.
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<sup>2</sup> This permit is granted subject to the provisions of the Administered Areas Newsprint Control Order, 1941, a copy of which will be printed as part of this permit

Dated 1941 .

Secretary to the Government of India,

<sup>1</sup> Renumbered, Pol. Dept., Notification No. 63 W, dated the 15th November 1942

<sup>2</sup> *Id.*, *ibid.*

<sup>3</sup> Words and letter omitted, P. I. Dept., Notification No. 13-W, dated the 27th January 1942

<sup>4</sup> *Id.*, Pol. Dept., Notification No. 45 W, dated the 27th August 1941

<sup>5</sup> *Id.*, Pol. Dept. Notification No. 63 W, dated the 12th November 1942

## FORM II.

## THE ADMINISTERED AREAS NEWSPRINT CONTROL ORDER, 1941.

(Paragraph 3.)

*Permit to use newsprint for other purposes than the printing of newspapers.*

(Free of all fee.)

.....is/are hereby authorised  
to use the undernoted newsprint for the undernoted purposes:—

Description.	Quantity.	Purposes for which intended.	Remarks.
--------------	-----------	---------------------------------	----------

2. This permit is granted subject to the provisions of the Administered Areas Newsprint Control Order, 1941, a copy of which will be printed as part of this permit.

Dated 1941.

*Secretary to the Government of India.*

## FORM III

## THE ADMINISTERED AREAS NEWSPRINT CONTROL ORDER, 1941.

[Paragraph 4 (a) ]

Name of the newspaper press.....

Full address.....

I/We declare that the following is a true account in respect of the.....

(Name of newspaper)

1. Consumption of newsprint during the year ending December 1940—

(a) In reels (No).....In ton.....

(b) In sheets (Reams).....In tons.....

2. Size of the page of newspaper.....

3. Average number of pages of the newspaper in the year 1940.....

4. Number of issues of the newspaper in the year 1940.....

<sup>1</sup>[NOTE—A separate return should be made in this form in respect of each newspaper.]

Date.....

*Signature.*

<sup>1</sup> Ins, Pol. Dept, Notification No. 45-W., dated the 23rd August 1941.

## [FORM III-A.]

## THE ADMINISTERED AREAS NEWSPRINT CONTROL ORDER, 1941.

(Paragraph 6)

Name of the newspaper.....

Full address.....

I/We declare that the following is a true account in respect of..... (Name of newspaper)

1. Date on which the newspaper was started.....

2. Consumption of newsprint from the date of first issue to 31st October 1941—

(a) In reels (No.).....

In tons.....

(b) In sheets (No. of reams).....

In tons.....

1941.....

6 Name of press in which newspaper is printed.....

NOTE.—A separate return should be made in this Form in respect of each newspaper.

Date.....

Signature.]

## [FORM IV.]

## THE ADMINISTERED AREAS NEWSPRINT CONTROL ORDER, 1941.

[Paragraph 4 (b).]

Return of Consumption of newsprint for the month of.....1941

Name of the newspaper press [or newspaper]<sup>1</sup>.....

Full address.....

	Newsprint in reels		Newsprint in sheets.	
	No. of reels.	Weight in tons.	No. of reams.	Weight in tons.
1. Amount of stock in hand at the end of the last preceding month				
2. Amount of stock acquired during the month from				
3. Total of items 1 and 2				
4. Amount of stock consumed during the month in the production of newspaper				
5. Amount of stock otherwise disposed of during the month.....				
To (a)				
6. Total of items 4 and 5				
7. Amount under item 3 less amount under item 6, being amount in stock at the end of the month				

N.B.—(a) Here enter names of persons or proprietors of newspaper presses (or newspapers)

Date.....

Signature.]

<sup>1</sup> Inst. Pol. Dept., Notification No. 63 W., dated the 17th November 1941.<sup>2</sup> Inst. Pol. Dept., Notification No. 43 W., dated the 23rd August 1941.





## [FORM III-A

## THE ADMINISTERED AREAS NEWSPRINT CONTROL ORDER, 1941.

(Paragraph 6)

- Name of the newspaper.....  
 Full address.....  
 I/We declare that the following is a true account in respect of..... (Name of newspaper)  
 1. Date on which the newspaper was started.....  
 2. Consumption of newsprint from the date of first issue to 31st October 1941—  
   (a) In reols (No.).....  
       In tons.....  
   (b) In sheets (No. of reams).....  
       In tons.....  
 3 Size of the page of newspaper.....  
 4 Average number of pages per issue of the newspaper from the date of first issue to the 31st October 1941.....  
 5 Number of issues of the newspaper from the date of first issue to the 31st October 1941.....  
 6 Name of press in which newspaper is printed.....  
 NOTE.—A separate return should be made in this Form in respect of each newspaper.

Date.....

Signature.]

## [FORM IV.

## THE ADMINISTERED AREAS NEWSPRINT CONTROL ORDER, 1941.

[Paragraph 4 (b).]

Return of Consumption of newsprint for the month of.....1941

- Name of the newspaper press [or newspaper].....  
 Full address.....

	Newsprint in reols.		Newsprint in sheets.	
	No. of reols.	Weight in tons.	No. of reams.	Weight in tons.
1. Amount of stock in hand at the end of the last preceding month				
2. Amount of stock acquired during the month from				
3. Total of items 1 and 2				
4. Amount of stock consumed during the month in the production of newspaper				
5. Amount of stock otherwise disposed of during the month.....				
To (a)				
6. Total of items 4 and 5				
7. Amount under item 3 less amount under item 6, being amount in stock at the end of the month				

N.B.—(a) Here enter names of persons or proprietors of newspaper presses (or newspapers)

Date.....

Signature.]

1 Ins., Pol. Dept., Notification No. 63-W., dated the 12th November 1941.

2 Sub., Pol. Dept., Notification No. 45-W., dated the 23rd August 1941.

- (ii) in sub-clause (n), "Central Government" shall stand unmodified.
3. In clauses 3, 4 and 8 and sub-clause (d) of clause 34, for "Central or a Provincial Government" substitute "Central or a Provincial Government, Crown Representative, Governor of Assam or Resident, as the case may be".
4. In sub-clause (3) of clause 9, sub-clauses (2) and (3) of clause 10, clause 13, clause 24 and item 4 in the Second Schedule, for "Motor Vehicles, Act, 1939" substitute "Motor Vehicles Act, 1939, or any corresponding law for the time being in force in the said areas".
5. For sub-clause (i) of clause 36, substitute "(i) he has acquired it against the surrender of a special receipt, coupon or receipt as defined in clause 2; or".

#### SECOND SCHEDULE.

1. The Cantonment of Baroda.
2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
4. The Gwalior Residency Area.
5. The District of Abu.
6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I.B. and 190-I.B., dated the 8th September 1937.
10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.
12. The Thana Circles in the Gujarat States Agency and the Dangas.
13. The British Reserve in Manipur.
14. The Khasi States, including the Shillong Administered Areas.

*Pol. Dept., No. 387-I.B., dated the 11th December 1941.*—In pursuance of clause 32 of the Motor Spirit Rationing Order, 1941, as applied to the administered areas and railway lands in the Western India States Agency by the notification of the Political Department, <sup>1</sup>No. 277-I.B., dated the 1st September 1941, the Crown Representative is pleased to direct that the suppliers of motor spirit in the said areas and lands shall furnish to the Area Rationing Authority concerned monthly statements in the form hereto annexed in the first week of the month following that to which they relate.

*Statement showing the receipt and supply of motor spirit for the month of*  
194 . . . . .

- I. Name of the supplier.
- II. Stock of motor spirit in balance on the last day of the preceding month. (In gallons).
- III. Fresh stock received during the month, if any. (In gallons).
- IV. Total of II and III.
- V. Quantity (in gallons) supplied during the month against—
  - (a) Receipts,
  - (b) Special coupons,
  - (c) Ordinary coupons,
  - (d) Supplementary coupons.
 Total of a, b, c, d. . . . .
- VI. Difference between IV and V.
- VII. Balance of motor spirit actually in stock on the last day of the month. (In gallons).
- VIII. Explanation for the difference between VI and VII, if any. . . . .  
Submitted to the Area Rationing Authority. . . . . Agency.

Place

Date

*Signature of the Supplier.*

[*Gazette of India, 1941, Pt. I-A, p. 253.*]

*Pol. Dept., No. 51-W., dated the 2nd October 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence Rules, as applied to certain areas in Indian States, to the Government in Manipur and to the Khasi States, including the Shillong, . . . . .

manufacturing process except under and in accordance with a registration certificate in Form A obtained from the Central Government in the Commerce Department.

(2) A registration certificate granted by the Central Government may specify—

(a) the amount of unmanufactured aluminium or unmanufactured aluminium alloy which may be used monthly in manufacturing processes by a person holding the registration certificate;

(b) the description of the aluminium products which may be manufactured by a person holding the registration certificate;

(c) the place or places at which any premises of the person holding the registration certificate shall be located;

and may require the person holding the registration certificate to comply with any directions given by the Central Government, or by any officer duly authorised in writing in this behalf by the Central Government, as to the partial or complete discontinuance of the manufacture of products specified therein.

(3) The Central Government may at any time cancel any certificate granted under this clause.

4. No person shall sell or otherwise transfer any unmanufactured aluminium or unmanufactured aluminium alloy except under a permit in Form B obtained from the Central Government in the Commerce Department or any officer duly authorised in this behalf.

5. *Inspection of premises.*—Any officer authorised by the Central Government in writing in this behalf may enter upon and inspect any premises in which he has reason to believe—

(a) that goods are being manufactured from unmanufactured aluminium or unmanufactured aluminium alloy, or

(b) that unmanufactured aluminium or unmanufactured aluminium alloy are kept for sale, or sold.

6. *Submission of return of stocks, supply of Accounts and other information.*—Every person carrying on any undertaking which involves the treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use, or consumption of unmanufactured aluminium or unmanufactured aluminium alloy shall—

(a) submit a true return of stock of unmanufactured aluminium or unmanufactured aluminium alloy in the manner set out in Form C on or before the 15th January 1942, to an officer authorised by the Central Government in writing in this behalf;



(ii) in sub-clause (n), "Central Government" modified.

3. In clauses 3, 4 and 8 and sub-clause (d) of clause 13, "Central Government" shall be read as "Central Government, Crown Representative or a Provincial Government" subject to any amendment being subject in British India or any part thereof shall be read as referring to the said areas, Reserve and Government, Crown Representative or a Provincial Government, as the case may be.
4. In sub-clause (3) of clause 9 and sub-clause (d) of clause 13, clause 24 and its amendments, the words "Motor Vehicles, Act, 1939" shall be read as referring to any corresponding law in force in the said areas.

5. For sub-clause (i) of clause 13, the words "British Reserve in Manipur and the Shillong Administered Areas, to defined in clause 2" shall be read as referring to the said areas and in the case of any other area to the said areas.

1. The Central Government or any part thereof shall be read as referring to the said areas, Reserve or States.
2. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States.
3. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States.

#### "SCHEDULE II"

- |   | Authority. |
|---|------------|
| 3. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States.  |            |
| 4. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States.  |            |
| 5. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States.  |            |
| 6. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States.  |            |
| 7. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States.  |            |
| 8. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States.  |            |
| 9. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States.  |            |
| 10. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States. |            |
| 11. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States. |            |
| 12. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States. |            |
| 13. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States. |            |
| 14. The administration of the said areas, Reserve or States, shall be read as referring to the said areas, Reserve or States. |            |

[Gazette of India, 1941, Pt. I-A, p. 199.]

<sup>1</sup> Supra, pp. 283, 284 and 273.

<sup>2</sup> Vol. II, p. 306.

*Pol. Dept., No. 62-W., dated the 30th October 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, by the notifications of the Political Department, <sup>1</sup>Nos. 6-W. and 8-W., dated the 3rd September 1939, and No. 26-W., dated the 12th August 1940, respectively, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said areas, Reserve and States, the <sup>2</sup>Chrome Compounds Control Order, 1941, as in force in British India, subject to any amendments to which the said Order is for the time being subject in British India.

[*Gazette of India*, 1941, Extraordinary, p. 691.]

*Pol. Dept., No. 68-W., dated the 4th December 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to the areas specified in the Schedule hereto annexed, the Crown Representative is pleased to make the following Order, namely:—

1. *Short Title.*—(1) This Order may be called the Administered Areas Aluminium Control Order, 1941.

(2) It extends to the areas specified in the Schedule.

2. *Definitions.*—In this Order, unless there is something repugnant in the subject or context,—

(a) “unmanufactured aluminium” and “unmanufactured aluminium alloy” mean, respectively,—

(i) any unwrought aluminium and any unwrought aluminium alloy (whether virgin, secondary, or remelted) in ingots, notch bars, rolling slab, wire bar, billets or in any other form, or

(ii) any aluminium or aluminium alloy in partially manufactured form, including sheets and circles, or

(iii) aluminium and aluminium alloy rolled from scrap;

(b) “aluminium alloy” means any alloy (whether virgin, secondary or re-melted) containing not less than forty per centum by weight of aluminium;

(c) “Form” means a Form appended to this Order.

3. *Registration of manufacturers and dealers.*—(1) No person shall engage in any undertaking which involves the use of unmanufactured aluminium or unmanufactured aluminium alloy for the purpose of any

<sup>1</sup> *Supra*, pp. 253, 254 and 273.

<sup>2</sup> Vol. II p. 316.



Areas, by the notifications of the Political Department, <sup>2</sup>Nos. 6-W. and 8-W., dated the 3rd September 1939, and No. 26-W., dated the 12th August 1940, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said areas, Reserve and States, the <sup>3</sup>Essential Drugs (Census) Order, 1941, subject to any amendments to which the said Order is for the time being subject in British India and subject to the following modifications, namely :—

I. In the said Order as so applied,—

(i) references to the Central Government shall be read as referring to the Crown Representative ;

(ii) references to the Provincial Government shall be read as referring, in the case of the British Reserve in Manipur and the Khasi States, including the Shillong Administered Areas, to the Governor of Assam and in the case of any other area to the respective Resident ; and

(iii) references to British India or any part thereof shall be read as referring to the said areas, Reserve or States.

2. For Schedule II annexed to the said Order, the following Schedule shall be substituted, namely :—

" SCHEDULE II.	Authority.
Area.	
1. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.	} The Deputy Assistant Director General (Medical Stores), Madras.
2. The Civil and Military Station of Bangalore	
3. The Cantonment of Baroda	
4. " " " " " " " " " " " "	
5. The Kolhapur Residency Area and the Wadi Jaghir.	} The Deputy Assistant Director General (Medical Stores), Bombay.
6. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos 189-I B. and, 190-7 B. and the 8th September 1937.	
7. " " " " " " " " " " " "	
8. " " " " " " " " " " " "	
9. " " " " " " " " " " " "	} The Deputy Assistant Director General (Medical Stores), Calcutta.
10. " " " " " " " " " " " "	
11. Administered Areas.	
The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.	
12. The District of Abu	} The Deputy Assistant Director General (Medical Stores), Lahore.
13. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.	
14. The Punjab States railway Lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.	

[Gazette of India, 1941, Pt. I-A, p. 199.]

<sup>1</sup> *Supra*, pp 283, 281 and 273.

<sup>2</sup> Vol. II, p. 300.

*Pol. Dept., No. 62-W., dated the 30th October 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, by the notifications of the Political Department, Nos 6-W. and 8-W., dated the 3rd September 1939, and No. 26-W., dated the 12th August 1940, respectively, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said areas, Reserve and States, the 'Chrome Compounds Control Order, 1941, as in force in British India, subject to any amendments to which the said Order is for the time being subject in British India.

[*Gazette of India, 1941, Extraordinary, p. 691.*]

*Pol. Dept., No. 68-W., dated the 4th December 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to the areas specified in the Schedule hereto, annexed, the Crown Representative is pleased to make the following Order, namely:—

1. *Short Title.*—(1) This Order may be called the Administered Areas Aluminium Control Order, 1941.

(2) It extends to the areas specified in the Schedule.

2. *Definitions.*—In this Order, unless there is something repugnant in the subject or context,—

(a) "unmanufactured aluminium" and "unmanufactured aluminium alloy" mean, respectively,—

(i) any unwrought aluminium and any unwrought aluminium alloy (whether virgin, secondary, or remelted) in ingots, notch bars, rolling slab, wire bar, billets or in any other form, or

(ii) any aluminium or aluminium alloy in partially manufactured form, including sheets and circles, or

(iii) aluminium and aluminium alloy rolled from scrap;

(b) "aluminium alloy" means any alloy (whether virgin, secondary or re-melted) containing not less than forty per centum by weight of aluminium;

(c) "Form" means a Form appended to this Order.

3. *Registration of manufacturers and dealers.*—(1) No person shall engage in any undertaking which involves the use of unmanufactured aluminium or unmanufactured aluminium alloy for the purpose of any

manufacturing process except under and in accordance with a registration certificate in Form A obtained from the Central Government in the Commerce Department.

(2) A registration certificate granted by the Central Government may specify—

- (a) the amount of unmanufactured aluminium or unmanufactured aluminium alloy which may be used monthly in manufacturing processes by a person holding the registration certificate ;
- (b) the description of the aluminium products which may be manufactured by a person holding the registration certificate ;
- (c) the place or places at which any premises of the person holding the registration certificate shall be located ;

specified therein.

(3) The Central Government may at any time cancel any certificate granted under this clause.

4. No person shall sell or otherwise transfer any unmanufactured aluminium or unmanufactured aluminium alloy except under a permit in Form B obtained from the Central Government in the Commerce Department or any officer duly authorised in this behalf.

5. *Inspection of premises.*—Any officer authorised by the Central Government in writing in this behalf may enter upon and inspect any premises in which he has reason to believe—

- (a) that goods are being manufactured from unmanufactured aluminium or unmanufactured aluminium alloy, or
- (b) that unmanufactured aluminium or unmanufactured aluminium alloy are kept for sale, or sold.

6. *Submission of return of stocks, supply of Accounts and other information.*—Every person carrying on any undertaking which involves the treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use, or consumption of unmanufactured aluminium or unmanufactured aluminium alloy shall—

- (a) submit a true return of stock of unmanufactured aluminium or unmanufactured aluminium alloy in the manner set out in Form C on or before the 15th January 1942, to an officer authorised by the Central Government in writing in this behalf ;

- (b) submit monthly to an officer authorised by the Central Government in writing in this behalf and so as to reach that officer on or before the fifteenth day of each month beginning with the 15th January 1942, a true return, in the manner set out in Form D of stock of unmanufactured aluminium or unmanufactured aluminium alloy in his possession on the last day of the preceding month ;
- (c) keep such books, accounts, or other records relating to his undertaking as the Central Government may direct ;
- (d) produce to any officer authorised by the Central Government in writing in this behalf such books, accounts, or other records relating to his undertaking as may be demanded by the officer aforesaid ;
- (e) permit any officer authorised by the Central Government in writing in this behalf to enter upon and inspect any premises used for, or in connection with, his undertaking.

## FORM A.

Serial No. \_\_\_\_\_

## THE ADMINISTERED AREAS ALUMINIUM CONTROL ORDER, 1941.

*Certificate of general permission to use in any manufacturing process unmanufactured aluminium or unmanufactured aluminium alloy.*

(Free of all fee)

\_\_\_\_\_ \*is/are hereby  
authorised to use in the following approved manufacturing processes unmanufactured  
Lbs. \_\_\_\_\_  
aluminium or unmanufactured aluminium alloy up to a total of \_\_\_\_\_ Cwts. \_\_\_\_\_ per  
Tons \_\_\_\_\_  
Maunds \_\_\_\_\_

month, and subject to the condition stated in paragraph 4 of this certificate :—

2 The premises of the person holding this certificate shall be located at the following  
\*place. \_\_\_\_\_  
places. \_\_\_\_\_

3. This certificate is granted subject to the provisions of the Administered Areas Aluminium Control Order, 1941, a copy of which is printed as part of this certificate.

4. The holder of this certificate shall comply with any directions given from time to time by the Central Government as to the partial or complete discontinuance of manufacture of goods from unmanufactured aluminium or unmanufactured aluminium alloy.

Dated 194 Secretary to the Government of India.

\* Strike out the words which are not applicable.

Administered Areas Aluminium Control Order, 1941, to be printed *in extenso* on back certificate.

## FORM B.

Serial No. \_\_\_\_\_

## THE ADMINISTERED AREAS ALUMINIUM CONTROL ORDER, 1941.

*Permit to sell or otherwise transfer unmanufactured aluminium or unmanufactured aluminium alloy*

(Free of all fee)

\_\_\_\_\_ are hereby authorised to sell or otherwise transfer the undernoted unmanufactured aluminium or unmanufactured aluminium alloy to the undernoted persons :—

Description.	Quantity.	*Purchaser or Transferee.	Purpose of the purchase or transfer.

2 This permit is granted subject to the provisions of the Administered Areas Aluminium Control Order, 1941, a copy of which is printed as part of this permit.

Dated

194 .

Secretary to the Government of India.

\*Strike out the words which are not applicable.

## FORM C.

*Return of unmanufactured aluminium and unmanufactured aluminium alloy.*

Name \_\_\_\_\_

Address \_\_\_\_\_

Description of stocks.	Quantity. Tons Cwts.Qrs.Lbs.	Normal monthly consumption in manufacture.* Tons.Cwts Qrs.Lbs.	Date on which and price at which acquired	Remarks.

\* To be left blank by stock-holders who are not themselves manufacturers of aluminium goods.

Dated

194 .

Signature.

## FORM D.

*Return of stock of unmanufactured aluminium and unmanufactured aluminium alloy for the month of 191 .*

Name \_\_\_\_\_

Address \_\_\_\_\_

Reg No (if any) \_\_\_\_\_

Stock.	Quantity (in Tons, Cwts., Qrs. & Lbs.)	Remarks.
1. Stock held at the end of the preceding month as shown in the last return.		
2. Stock, if any, acquired during the month (further details given in table below).		
3. Total of items 1 and 2 . . . . .		
4. Stock, if any, disposed of by sale during the month under Permits in Form B, Nos. :—		
5. Stocks, if any, used during the month in manufacture under Registration Certificate in Form A, No. _____		
6. Stock, if any, disposed of during the month in the following manner, not being by sale or manufacture :—		
7. Total of items 4, 5 and 6 . . . . .		
8. Stock held at the end of the month (being item 3 less item 7).		

*Table showing details of stocks acquired as in item 2 above*

Description of stocks.	Quantity (in Tons, Cwts., Qrs. & Lbs.)	Date on which and price at which acquired.	Remarks.

Dated

191 .

Signature.

## SCHEDULE.

1. The Cantonment of Baroda.
2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
4. The Gwalior Residency Area.
5. The District of Abu.
6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I.B. and 190-I.B., dated the 8th September 1937.
10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.
12. The Thana Circles in the Gujarat States Agency and the Dangs.
13. The British Reserve in Manipur.
14. The Khasi States, including the Shillong Administered Areas.

[*Gazette of India*, 1941, Extraordinary, p. 707.]

hereto annexed to receive the returns prescribed in the said clauses in respect of the areas specified in the corresponding entries in the second column thereof.

## SCHEDULE.

1	2
The Export Trade Controller, New Custom House, Bombay.	1. The Cantonment of Baroda. 2. The <i>British Reserve in Manipur</i> . 3. The Kolhapur Residency Area and the Wadi Jaghir. 4. The railway lands in the Western India States Agency specified in the Notifications of the Political Department, Nos. 189-I. B. and 190-I. B., dated the 8th September 1937. 5. The Thana Circles in the Gujarat States Agency and the Danga.
The Foreign Trade Controller, Custom House, Calcutta.	1. The Gwalior Residency Area. 2. The British Reserve in Manipur. 3. The Khasi States, including the Shillong Administered Areas.
The Assistant Foreign Trade Controller, Custom House, Madras.	1. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937. 2. The Civil and Military Station of Bangalore.
The Assistant Foreign Trade Controller, Custom House, Karachi.	1. The <i>administered areas in the Cantonment of Amritsar</i> . 2. <i>specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.</i> 3. <i>specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.</i> 4. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.

[Gazette of India, 1942, Pt. I, p. 269.]

*Pol. Dept., No. 12-W., dated the 21st January 1942.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, by the notifications of the Political Department, Nos. 6-W. and 8-W., dated the 3rd September 1939, and No. 26-W., dated the 12th August 1940, respectively, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said areas, Reserve and States, the Cotton Card Clothing and all Card Clothing Sundries Control Order, 1942, as in force in British India, subject to any amendments to which the said Order is for the time being subject in British India.

[Gazette of India, 1942, Pt. I-A, p. 10.]

<sup>1</sup> *Supra*, pp. 283, 284 and 273.

<sup>2</sup> See Gazette of India, 1942, Extraordinary, p. 73.



*Pol. Dept., No. 18-W., dated the 19th February 1942.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to the areas specified in the Second Schedule hereto annexed, the Crown Representative is pleased to make the following Order, namely :—

1. (1) This Order may be called the Administered Areas Newspaper Control Order, 1942.

(2) It extends to the areas specified in the Second Schedule annexed to this Order.

(3) It shall come into force at once.

2. (1) For the purposes of this Order—

(a) “newspaper” means a publication—

(i) consisting wholly or in greater part of political or other news or of articles relating thereto or to other current topics, whether or not it also contains advertisements, and

(ii) published at intervals of not more than thirty-one days, and

(iii) printed, wholly or in part, on newsprint, as defined in the Administered Areas Newsprint Control Order, 1941 ;

(b) newspapers shall be classified into the three classes specified in the second column of the First Schedule annexed to this Order, according to the page-area ;

*Explanation.*—In computing page-area margins clear of print shall be included.

(c) “week” means a period of seven consecutive days beginning on a Monday ;

(d) “daily newspaper” means a newspaper not less than six issues of which are normally published in a week.

(2) If any dispute arises as to whether a publication is or is not a newspaper for the purposes of this Order, the decision thereon of the Crown Representative or of an officer appointed by the Crown Representative in this behalf shall be final.

3. No newspaper having a retail sale price specified in the first column of the First Schedule annexed to this Order shall be published, sold or offered for sale by any person, unless it contains a number of pages not exceeding the number specified in the corresponding entry, applicable to its class, in the second column of the said Schedule :

Provided that in the case of a daily newspaper, all issues, or all issues but one, of which in any week have the same retail sale price, the number of pages prescribed in this paragraph may be exceeded in one or more issues during that week, so long as the maximum total number of pages admissible for the actual number of issues during that week is not exceeded.

4. (1) In addition to the normal issues a special issue of two pages only may be published for sale in areas in which no newspaper published after the hour of 3 P.M. is in circulation

(2) Special issues published in pursuance of sub-paragraph (1) shall not be taken into account for the purposes of paragraph 3.

5. In the case of a daily newspaper referred to in the proviso to paragraph 3, where by reason of the occurrence of New Year's Day or of some day of religious observance, the publication of a normal issue is withheld on that day or on the day next following, the total number of pages admissible during the period comprising the week in which the publication of the normal issue is withheld and the week next following, may be increased by half the number of pages which the unpublished issue might, in accordance with the provisions of the First Schedule annexed to this Order, have contained.

6. Where under the operation of any provision of this Order, the number of pages admissible for publication is an odd number, the publication only of the number of pages next below such odd number shall be admissible.

[7. No person shall return or offer or attempt to return any unsold copies of any newspaper, or accept or offer to accept or attempt to obtain any payment or repayment or allowance from any person by reason of any copies of any newspaper being unsold :

Provided that this prohibition shall not apply to—

- (a) the sale or disposal of any unsold newspaper as wastepaper or as packing or wrapping paper, or
- (b) the return of any copies which could not be sold owing to enemy action.]

#### FIRST SCHEDULE.

[See paragraphs 2 (1) (b), 3 and 5 ]

1 Retail sale price in annas.	2 Maximum number of pages		
	Class A (page-area not less than 336 square inches)	Class B (page area less than 336 square inches but not less than 200 square inches).	Class C (page-area less than 200 square inches)
Less than $\frac{1}{2}$	2	2	4
Less than $\frac{1}{2}$ but not less than $\frac{1}{2}$	4	6	8
Less than 1 but not less than $\frac{1}{2}$ .	6	8	12
Less than $1\frac{1}{2}$ but not less than 1.	8	12	16
Less than 2 but not less than $1\frac{1}{2}$ .	12	18	24
*n+1			
Less than $\frac{4}{4}$			
but not less than $\frac{*n}{4}$ .	2n	3n	4n

\* n being a whole number greater than 7

<sup>1</sup> Ins., Pol Dept., Notification No. 23-W., dated the 20th March 1942.

## SECOND SCHEDULE.

[See paragraph 1 (2).]

1. The Cantonment of Baroda.
2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
4. The Gwalior Residency Area,
5. The District of Abu.
6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I. B. and 190-I. B., dated the 8th September 1937.
10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.
12. The Thana Circles in the Gujarat States Agency and the Dangs.
13. The British Reserve in Manipur.
14. The Khasi States, including the Shillong Administered Areas.

[*Gazette of India*, 1942, Extraordinary, p. 201.]

*Pol. Dept., No. 19-W., dated the 26th February 1942.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, by the notifications of the Political Department, <sup>1</sup>Nos. 6-W. and 8-W., dated the 3rd September 1939, and No. 26-W., dated the 12th August 1940, respectively, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said areas, Reserve and States, the <sup>2</sup>Tar and Bitumen Control Order, 1942, as in force in British India, subject to any amendments to which the said Order is for the time being subject in British India.

[*Gazette of India*, 1942, Extraordinary, p. 279.]<sup>1</sup> *Supra*, pp. 253, 284 and 273<sup>2</sup> *See Gazette of India*, 1942, Extraordinary, p. 174.

*Pol. Dept., No. 37-W., dated the 25th March 1942.*—In exercise of the powers conferred by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules, as in force in the Kasumpti Area, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said Kasumpti Area the 'Simla House Rent Control Order, 1941, subject to any amendments to which the said Order is for the time being subject in British India.

[*Gazette of India*, 1942, Pt. I-A., p. 44.]

*Pol. Dept., No. 28-W., dated the 7th May 1941.*—In exercise of the powers conferred by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules, as applied to the Civil and Military Station of Bangalore, the Crown Representative is pleased to make the following Order:—

1. (1) This order may be called the Civil and Military Station of Bangalore House Rent Control Order, 1941.

(2) It shall come into force at once.

(3) It shall extend to the Civil and Military Station of Bangalore.

2. In this Order, unless there is something repugnant in the subject or context—

(1) "Controller" means the President, Municipal Commission, Civil and Military Station, Bangalore,

(2) "house" means a building or part of a building suitable for occupation as a residence, and includes—

(a) the garden, grounds and out-houses (if any) appurtenant to such building or part of a building; and

(b) any furniture supplied by the landlord for use in such building or part of a building, and

(3) "landlord" includes the person who is receiving or is entitled to receive the rent of a house whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive the rent if the house were let to a tenant.

3. When, on a written complaint or otherwise the Controller has reason to believe that the rent of any house within the Civil and Military Station, Bangalore, is excessive, he shall hold a summary enquiry and record a finding.

4. If, on a consideration of all the circumstances of the case, including any amount paid or to be paid by the tenant by way of premium or any other like sum in addition to rent, the Controller finds that the rent of the house is excessive, he shall determine the fair rent to be charged for the house.



(2) Where the landlord to whom a notice has been given under sub-clause (1) wishes to object to the extension or the creation of the tenancy, as the case may be, demanded by the tenant, he may within 15 days of the delivery to him of such notice apply to the Controller in that behalf; and if the Controller is satisfied—

- (a) that the house is reasonably and in good faith required by the landlord for his own occupation or for the occupation of any person for whose benefit the house is held by him, or
- (b) that the landlord has prior to the 13th November 1941, entered into an agreement to lease the house to another person immediately after the termination of the existing lease, or after the expiry of the month of the tenancy, as the case may be, or
- (c) that the tenant has not been performing any of the conditions of the tenancy, or
- (d) that the landlord has any other good and sufficient reason for determining the tenancy on the expiry of the originally agreed period or of the month of the tenancy, as the case may be,

the Controller shall pass an order disallowing the extension or creation of the tenancy, as the case may be, demanded by the tenant

(3) When an order under sub-clause (2) has been made by the Controller on the ground that the house is required by the landlord for his own occupation or for the occupation of any person for whose benefit the house is held by him, or on the ground that the landlord has, prior to the 13th November 1941, entered into an agreement to lease the house to another person immediately after the termination of the existing lease, or the expiry of the month of the tenancy as the case may be, and the house is not occupied by the aforesaid persons within fifteen days of the date of vacation of the house by the original tenant, or having been so occupied is re-let within two months of the said date to any person other than the original tenant, the Controller may, on the application of the original tenant made within three months of his vacating the house, cancel the previous order made under sub-clause (2) and direct the landlord to place the original tenant in possession of the house and to pay him such compensation as may be fixed by the Controller.

8. (1) Any person aggrieved by an order of the Controller may within fifteen days from the date on which the Order is communicated to him, present an appeal in writing to the Resident in Mysore.

(2) The Resident in Mysore shall then send for the record of the case from the Controller, and, after perusing such record and, after making such further enquiry as he thinks fit either personally or through the Controller, shall decide the appeal.

(3) The decision of the Resident in Mysore and, subject only to such decision, an order of the Controller shall be final.

[*Gazette of India*, 1941, Pt. I-A, p. 91.]

*Pol. Dept., No. 16-I. B., dated the 22nd January 1942.*—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, as applied to the Gilgit Sub-Division, the Crown Representative is pleased to prohibit, subject to such exceptions as may be made by the Crown Representative, the taking out of the Gilgit Sub-Division to a place outside India otherwise than by post of any Cinematograph film which has not been certified as suitable for export by a person duly appointed as Censor by the Central Government and of any gramophone record or sound track connected with such film.

[*Gazette of India, 1942, Pt. I-A, p. 10.*]

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*Pol. Dept., No. 47/W., dated the 3rd September 1941.*—In exercise of the powers conferred by sub-rule (1) of rule 88 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is pleased to declare that nothing in any restriction imposed by the Petroleum Rules, 1937, or any other corresponding law, as in force in the said areas, Reserve and States, shall apply to the loading, unloading, handling, storage or conveyance of dangerous petroleum in connection with the supply of fuel to military aircraft under instructions given on behalf of Government by or under the authority of the Quartermaster General in India.

[*Gazette of India, 1941, Pt. I-A, p. 147.*]

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*Pol. Dept., No. 46-W., dated the 28th August 1941.*—In exercise of the powers conferred by sub-rule (1) of rule 88-A of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur and to the Khasi States, including the Shillong Administered Areas, and in supersession of the notification of the Political Department, No 27-W., dated the 1st May 1941, the Crown Representative is pleased to declare that nothing in any restriction imposed by or under any law for the time being in force in relation to—

- (i) the licensing of drivers of motor vehicles,
- (ii) the speed at which such vehicles may be driven at any place,
- (iii) the driving of such vehicles at night without lights,
- (iv) the number of persons carried in such vehicles,
- (v) the issue, carrying and production of certificates of registration and certificates of fitness,

shall apply to, or to the driver or person in charge of, any motor vehicle which is the property of the Central Government in the Defence Department or which is otherwise in the service of His Majesty for purposes of defence.

[*Gazette of India, 1941, Pt. I-A, p. 145.*]

*Pol. Dept., No. 42-W., dated the 23rd November 1910.*—In exercise of the powers conferred by sub-rule (2) of rule 92 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is pleased to order that every person who owns any balance or balances, whether held in the said areas, Reserve and States, or abroad, expressed in the currency of the United States of America, shall offer or cause to be offered, before the expiration of one month from the date of this Order, such balance or balances for sale to the Reserve Bank of India on behalf of the Crown Representative at any of the offices of the said Bank at Bombay, Calcutta, Madras, Karachi and Delhi against payment of the equivalent value in rupees calculated on a basis which, in the opinion of the Reserve Bank of India, represents the current buying rate for telegraphic transfers on the United States of America :

Provided that this Order shall not apply to dealers in foreign exchange and cotton dealers authorised by the Reserve Bank of India in this behalf and to persons, not being subjects of His Majesty or of an Indian State, who in the opinion of the Reserve Bank of India are residents in the said areas, Reserve and States for purposes of business only.

[*Gazette of India, 1910, Extraordinary, p. 657.*]

*Pol. Dept., No. 52-W., dated the 2nd October 1911.*—In exercise of the powers conferred by sub-rule (2) of rule 92 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, the Crown Representative hereby orders every person who owns any Bank of England notes in the said areas, Reserve and States to offer or cause to be offered before the expiration of two months from the date of this Order such Bank of England notes for sale to the Reserve Bank of India on behalf of the Crown Representative at any of the offices of the said Bank at Bombay, Calcutta, Madras, Karachi, Lahore and Delhi against payment of equivalent value in rupees at the rate of Rs. 13-2-0 per £1 :

Provided that this Order shall not apply—

- (a) to dealers in foreign exchange and money-changers authorised by the Reserve Bank of India in this behalf ;
- (b) to transit travellers who have been permitted to import Bank of England notes under the general or special permission of the Reserve Bank of India ;
- (c) to any person who satisfies the Reserve Bank of India that he requires the Bank of England notes in his possession for any of the purposes specified in sub-rule (4) of rule 91 of the said Rules, as applied to the said areas, Reserve and States.

[*Gazette of India, 1911, Pt. I-A, p. 200.*]



current buying rate for Bank of England notes by the Reserve Bank of India :

Provided that this Order shall not apply—

- (a) to dealers in foreign exchange and money-changers authorised by the Reserve Bank of India in this behalf ;
- (b) to transit travellers who have been permitted to import Bank of England notes under the general or special permission of the Reserve Bank of India ;
- (c) to any person who satisfies the Reserve Bank of India that he requires the Bank of England notes in his possession for any of the purposes specified in sub-rule (4) of rule 91 of the said rules, as applied to the said Sub-Division.

[*Gazette of India*, 1941, Extraordinary, p. 675.]

*Pol. Dept*, No. 16-W., dated the 13th July, 1940.—In exercise of the powers conferred by sub-rule (2) of rule 94 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is pleased to order that all persons in the said areas, Reserve and States who are the owners of any securities in respect of which the principal, interest or dividends are payable in the currency of the United States of America or in respect of which the owner has an option to require the payment of principal, interest or dividends in the currency of the United States of America shall, before the expiration of one month from the date of this Order, make a return to the Reserve Bank of India (on a form which may be obtained from any office of the Reserve Bank of India or from any person authorised by the Reserve Bank of India to deal in foreign exchange in the said areas, Reserve and States) giving the following particulars with respect to those securities, that is to say,—

- (a) the full name and address of the owner by whom or on whose behalf the return is made,
- (b) a description of the security in full including particulars as to whether it is a bearer bond, registered or inscribed stock, etc.,
- (c) the nominal amount of the security,
- (d) whether the security is free or encumbered and, if the latter, full details of the nature of the encumbrance including the amount of loan or advance, if any, which has been taken against the security and the currency in which and the name and address of the person from whom it has been taken,
- (e) the place in which and the name of the person with whom the security is deposited,
- (f) the full name and address of the person for whose account the security is held (if other than the owner making the return):

Provided that the Reserve Bank of India may by general or special order exempt any person or class of persons from making the return.

[*Gazette of India*, 1940, Extraordinary, p. 315.]

*Pol. Dept., No. 38-W., dated the 3rd October 1940.*—In exercise of the powers conferred by sub-rule (2) of rule 94 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is pleased to order that any person in the said areas, Reserve and States who, at any time, after the 12th July, 1940, became, or may hereafter become, the owner of any securities in respect of which the principal, interest or dividends are payable in the currency of the United States of America or in respect of which the owner has an option to require the payment of principal, interest or dividends in the currency of the United States of America, shall, before the expiration of one month from the date of this Order, or, in the case of a person hereafter becoming such owner within one month of the date of his so becoming, make a return to the Reserve Bank of India (on a form which may be obtained from any office of the Reserve Bank of India or from any person authorised by the Reserve Bank of India to deal in foreign exchange in the said areas, Reserve and States) giving the following particulars with respect to those securities, that is to say,—

- (a) the full name and address of the owner by whom or on whose behalf the return is made, .
- (b) a description of the security in full including particulars as to whether it is a bearer bond, registered or inscribed stock, etc ,
- (c) the nominal amount of the security,
- (d) whether the security is free or encumbered and, if the latter, full details of the nature of the encumbrance including the amount of loan or advance, if any, which has been taken against the security and the currency in which and the name and address of the person from whom it has been taken,
- (e) the place in which and the name of the person with whom the security is deposited,
- (f) the full name and address of the person for whose account the security is held (if other than the owner making the return),
- (g) in the case of a person who has ceased to be the owner of the security, the name and address of the transferee :

Provided that the Reserve Bank of India may by general or special order exempt any person or class of persons from making the return.

[ *Gazette of India*, 1940, Extraordinary, p. 615.]

*Pol. Dept., No. 11-W., dated the 26th February 1941.*—Whereas the Crown Representative is of opinion that it is expedient for the

purpose of strengthening the financial position of the Central Government to transfer to it certain foreign securities:

Now, therefore, in exercise of the powers conferred by sub-rule (3) of rule 94 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is pleased to make the following Order, namely:—

All securities of the descriptions specified in the first column of the Schedule hereto annexed other than those to which the provisions of the said rule do not apply by virtue of sub-rule (6) thereof, as applied to the said areas, Reserve and States, are hereby transferred to the Central Government at the prices specified in the corresponding entries in the second column of the said Schedule.

#### SCHEDULE.

##### *Description and acquisition price of securities.*

Description of securities.	Price per security of £100 nominal.
(Column 1.)	(Column 2.)
Rs. a.	
5 per cent. India Stock, 1912—47 . . . . .	1,397 11
4½ per cent. India Stock, 1930—55 . . . . .	1,467 14
4½ per cent. India Stock, 1938—68 . . . . .	1,504 11
4 per cent. India Stock, 1948—53 . . . . .	1,421 1
3½ per cent. India Stock, 1954—59 . . . . .	1,370 14
3 per cent. India Stock, 1919—52 . . . . .	1,330 12

[ *Gazette of India*, 1911, Pt. I-A, p. 31.]

*Pol. Dept., No. 13-W., dated the 1st March 1911.*—Whereas the Crown Representative is of opinion that it is expedient for the purpose of strengthening the financial position of the Central Government to transfer to it certain foreign securities:

Now, therefore, in exercise of the powers conferred by sub-rule (3) of rule 94 of the Defence of India Rules, as applied to the Gilgit Sub-

Division and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following Order, namely:—

All securities of the descriptions specified in the first column of the Schedule hereto annexed, other than those to which the provisions of the said rule do not apply by virtue of sub-rule (6) thereof, are hereby transferred to the Central Government at the prices specified in the corresponding entries in the second column of the said Schedule.

### SCHEDULE.

#### *Description and acquisition price of securities.*

Description of securities. (Column 1.)	Price per security of £100 nominal. (Column 2.) Rs A.
5 per cent. India Stock, 1942—47 . . . . .	1,397 11
4½ per cent. India Stock, 1950—53 . . . . .	1,467 14
4½ per cent. India Stock, 1958—68 . . . . .	1,504 11
4 per cent. India Stock, 1948—53 . . . . .	1,421 1
3½ per cent. India Stock, 1954—59 . . . . .	1,370 14
3 per cent. India Stock, 1949—52 . . . . .	1,330 12

[ *Gazette of India*, 1941, Extraordinary, p. 142 ]

*Pol Dept., No 15-W, dated the 10th March, 1941.*—Whereas the Crown Representative is of opinion that it is expedient for the purpose of strengthening the financial position of the Central Government to transfer to it certain foreign securities:

Now, therefore, in exercise of the powers conferred by sub-rule (3) of the Defence of India Rules as applied to certain areas in

is pleased to make the following Order, namely:—

All securities of the descriptions specified in the first column of the Schedule hereto annexed the owners of which have been required by the 'Notifications of the Political Department, No 16-W., dated the 13th July 1940, or No. 38-W., dated the 3rd October 1940, to make returns to the Reserve Bank of India and have not been exempted by general or special order of the said Bank from making those returns, are hereby transferred to the Central Government at the prices specified in the corresponding entries in the second column of the said Schedule.

<sup>1</sup> *Supra*, pp. 330 and 331.

## SCHEDULE.

*Description and acquisition price of securities.*

Description of securities.	Price per security.
(Column 1.)	(Column 2.)
	Rs. A.
American Power & Light Co. (Me.) \$5 Cum.	
Pfd. Stk. Shs. of no par value	109 8 <i>ex</i> dividend due 1st April.
American Telephone & Telegraph Co. Capital Stk. Shs. of \$100	635 12 <i>cum</i> dividend due 15th April.
Anacosta Copper Mining Co. Capital Stk. Shs. of \$50	82 8 <i>cum</i> dividend due 24th March.
Bethlehem Steel Corporation (Del.) Common Stk. Shs. of no par value	259 9
Chrysler Corporation Common Stk. Shs. of \$5	220 3 <i>ex</i> dividend due 14th March.
Electric Bond & Share Co., Common Stk. Shs. of \$5	11 3
Electric Bond & Share Co., \$5 Cum. Pfd. Stk. Shs. of no par value	172 8
General Motors Corporation Common Stk. Shs. of \$10	141 13 <i>ex</i> dividend due 12th March
National City Bank of New York Capital Stk. Shs. of \$12.50	89 2
Republic Steel Corporation Common Stk. Shs. of no par value	62 10 <i>ex</i> dividend due 2nd April.
Socony Vacuum Oil Co. Inc. Capital Stk. Shs. of \$15	28 3 <i>ex</i> dividend due 15th March.
United States Steel Corporation (N. J.) Common Stk. Shs. of no par value	190 5 <i>ex</i> dividend due 20th March
National Power & Light Co., Common Stk. Shs. of no par value	22 6
	Price per \$100 nominal (Column 2) Rs. A.
United States of America 4½ per cent. Treasury Bonds 1947/1952	401 4
United States of America 2½ per cent. Treasury Bonds 1948/1951	364 14
United States of America 3 per cent. Treasury Bonds 1946/1948	367 4
United States of America 4 per cent. Treasury Bonds 1944/1954	376 4
United States of America 2½ per cent. Treasury Bonds 1945/1947	363 9
United States of America 2½ per cent. Treasury Bonds 1958/1963	362 15
United States of America 3½ per cent. Treasury Bonds 1946/1949	369 4
United States of America 3½ per cent. Treasury Bonds 1943/1947	357 10
United States of America 2½ per cent. Treasury Bonds 1949/1953	354 9
United States of America 2 per cent. Treasury Notes Series B 1942	345 10
United States of America 2½ per cent. Treasury Bonds 1955/1960	367 8

*Pol. Dept., No. 8-W., dated the 16th January, 1912.*—Whereas the Crown Representative is of opinion that it is expedient for the purpose of strengthening the financial position of the Central Government to transfer to it certain foreign securities:

Now, therefore, in exercise of the powers conferred by sub-rule (3) of rule 94 of the Defence of India Rules, as applied to the Gilgit Sub-Division and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following Order, namely:—

All securities of the descriptions specified in the first column of the Schedule hereto annexed, other than those to which the provisions of the said rule do not apply by virtue of sub-rule (6) thereof, are hereby transferred to the Central Government at the prices specified in the corresponding entries in the second column of the said Schedule.

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#### SCHEDULE.

##### *Description and acquisition price of securities.*

Description of Securities. (Column 1)	Price per security of £100 nominal, (Column 2.)
	Rs. A.
India 2½ per cent. Stock . . . . .	1,011 10
India 3 per cent. Stock . . . . .	1,210 12

[ *Gazette of India*, 1912, Extraordinary, p. 52.]

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*Pol. Dept., No. 9-W., dated the 19th January, 1912.*—Whereas the Crown Representative is of opinion that it is expedient for the purpose of strengthening the financial position of the Central Government to transfer to it certain foreign securities:

Now, therefore, in exercise of the powers conferred by sub-rule (4) of rule 94 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is pleased to make the following Order, namely:—

All securities of the descriptions specified in the first column of the Schedule hereto annexed other than those to which the provisions of the said rule do not apply by virtue of sub-rule (6) thereof, as applied to the said areas, Reserve and States, are hereby transferred to the Central Government at the prices specified in the corresponding entries in the second column of the said Schedule.

## SCHEDULE.

*Description and acquisition price of securities.*

Description of Securities. (Column 1.)	Price per security of £ 100 nominal. (Column 2.)
	Rs A.
India 2½ per cent. Stock . . . . .	1,041 10
India 3 per cent. Stock . . . . .	1,210 12

[ *Gazette of India*, 1942, Extraordinary, p. 90.]

*Pol. Dept., No. 61-W., dated the 30th October, 1941.*—In pursuance of clause (a) of the proviso to sub-rule (1) of rule 98, and sub-rule (3) of rule 104, of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is hereby pleased to authorise—

- (1) the payment on behalf of any person, not being an enemy, of any fees necessary for obtaining the renewal of patents in enemy territory, and the payment to enemies of their charges and expenses in relation to the matter aforesaid ;
- (2) the payment on behalf of an enemy of any fees payable on renewal of the grant of patents in any country, not being enemy or neutral territory, and the payment on behalf of an enemy to persons, not being enemies, of their charges and expenses, in relation to the matter aforesaid, and the receipt of payments from an enemy in relation to the matter aforesaid :

Provided always that any payment on behalf of an enemy under this paragraph, unless it is made by a person who has an interest in or under the patent in question, may be made by the person making the same only out of moneys—

- (a) remitted by or on behalf of such enemy, or
- (b) accrued due to such enemy since the outbreak of war, or
- (c) owed by a patent agent (in his business as such) in the said areas, Reserve and States to a patent agent in enemy territory,

and not by way of gift or by way of advancement or loan to or on account of such enemy.

[ *Gazette of India*, 1941, Pt. I-A, p. 233.]

*Pol. Dept., No. 34-W., dated the 28th October, 1939.*—In exercise of the powers conferred by rule 100 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserte in Manipur, and to the Khasi States, including the Shillong Administered Areas, by notifications of the Political Department, Nos. 6-W.,<sup>1</sup> 8-W.,<sup>1</sup> and 9-W.,<sup>2</sup> respectively, dated the 3rd September, 1939, the Crown Representative is pleased to appoint the officers for the time being holding in British India the appointments of Inspectors of Enemy Trading, as specified in the first column of the Schedule hereto annexed to be the Inspectors of Enemy Trading for the areas specified in the corresponding entry in the second column thereof.

### Schedule.

1

2

The Inspector of Enemy Trading at Bombay.

1. The Cantonment of Baroda.
2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
3. The Kolhapur Residency Area and the Wadi Jaghir.
4. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189 I. B. and 190-I. B., dated the 8th September, 1937
5. The Thana Circles in the Gujarat States Agency and the Dangs.

The Inspector of Enemy Trading at Calcutta.

- 1 The Gwalior Residency Area.
- 2 The British Reserve in Manipur.
- 3 The Khasi States, including the Shillong Administered Areas.

The Inspector of Enemy Trading at Madras.

1. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
2. The Civil and Military Station of Bangalore.

The Inspector of Enemy Trading at Karachi.

1. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
2. The District of Abu
3. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
4. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.

[ *Gazette of India*, 1939, Extraordinary, p. 445.]

<sup>1</sup> *Supra*, pp. 283 and 284.

<sup>2</sup> See now Notification No. 40-W., dated the 14th November, 1939, *supra*, p. 267; and Notification No. 26-W., dated the 12th August, 1940, *supra*, p. 273.





of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said areas, Reserve and States the Control of Internees' Property Order, 1939,<sup>1</sup> subject to any amendments to which the said Order is for the time being subject in British India :

Provided that in the said Order as so applied, references to the Foreigners Ordinance, 1939,<sup>2</sup> and the Defence of India Rules shall be construed as references to that Ordinance and those Rules, as applied to the said areas, Reserve or States, and references to British India shall be construed as references to the said areas, Reserve or States.

[ *Gazette of India*, 1939, Extraordinary, p. 391 ]

*Pol. Dept., No. 31-W., dated the 24th October, 1939.*—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, by the Notifications of the Political Department, Nos. 6-W.,<sup>3</sup> 8-W.,<sup>3</sup> and 9-W.,<sup>4</sup> respectively, dated the 3rd September, 1939, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said areas, Reserve and States, the Enemy Property (Custody and Registration) Order, 1939,<sup>5</sup> subject to any amendments to which the said Order is for the time being subject in British India .

Provided that in the said Order as so applied, references to the Defence of India Rules shall be construed as referring to those Rules as applied to the said areas, Reserve or States, and references to British India shall be construed as references to the said areas, Reserve or States.

[ *Gazette of India*, 1939, Extraordinary, p. 441 ]

*Pol. Dept., No. 42-W., dated the 16th November, 1939*—In exercise of the powers conferred by sub-rule (1) of rule 111 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas by the Notifications of the Political Department, Nos. 6-W.,<sup>3</sup> 8-W.,<sup>3</sup> and 9-W.,<sup>4</sup> respectively, dated the 3rd September, 1939, and in supersession of the notification of the Political Department, No. 32-W., dated the 24th October, 1939, the Crown Representative is pleased to order that all enemy property in the said areas, Reserve

<sup>1</sup> Vol. II, p. 433.

<sup>2</sup> Repealed by the Foreigners Act, 1940 (II of 1940).

<sup>3</sup> *Supra*, pp. 233 and 234.

<sup>4</sup> See now Notification No. 40-W., dated the 14th November, 1939, *supra*, p. 267; and Notification No. 26 W., dated the 12th August, 1940, *supra*, p. 273.

<sup>5</sup> Vol. II, p. 435.

and States, moveable or immoveable, belonging to, or held by, or managed on behalf of, any enemy subject either—

(a) as defined in sub-clause (d) of clause (I) of rule 103 of the said Rules, as applied to the said areas, Reserve and States, who is not for the time being in India, or

(b) as defined in sub-clause (b) of the said clause, where the property is not under the control of an Indian branch of the body of persons for the time being carrying on business in India,

shall vest in the Custodian of Enemy Property for the said areas, Reserve and States.

[ *Gazette of India*, 1939, Extraordinary, p. 475 ]

*Pol. Dept., No. 70-W., dated the 18th December, 1941*—In exercise of the powers conferred by sub-rule (1) read with sub-rule (3A) of rule 114 of the Defence of India Rules, as applied to certain areas in Indian States, to the British Reserve in Manipur, and to the Khasi States, including the Shillong Administered Areas, the Crown Representative is pleased to order that all money which would but for the said Rules be payable to or for the benefit of an enemy as defined in clause (f) of rule 97 of the said Rules shall be paid to the Custodian of Enemy Property for the said areas, Reserve and States.

[ *Gazette of India*, 1941, Pt. I-A, p. 257.]

*Pol. Dept., No. 12-W., dated the 4th September, 1939*—In exercise of the powers conferred by sections 3, 4, 8 and 10 of the Foreigners Ordinance, 1939,<sup>1</sup> as applied to certain Administered Areas by the notification of the Political Department, No. 319-I. B.,<sup>2</sup> dated the 28th August, 1939, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said Administered Areas, the Enemy Foreigners Order, 1939,<sup>3</sup> subject to any amendments to which the said Order is for the time being subject in British India, and to the modifications specified in the Schedule hereto annexed:

Provided that any Court or Authority may construe the provisions of the said Order as so applied with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

<sup>1</sup> Repealed by the Foreigners Act, 1940 (II of 1940), but this Notification is kept alive by virtue of the provisions of s. 15 of the Act.

<sup>2</sup> *Supra*, p. 239.

<sup>3</sup> *Supra*, p. 33.

## SCHEDULE.

Save where the context otherwise requires—

- <sup>1</sup>[(i) references to the Central Government or the Provincial Government shall be construed, in respect of the British Reserve in Manipur, as references to the Governor of Assam, and in respect of the other Administered Areas as references to the Resident,]
  - (ii) references to British India shall be construed as references to the Administered Area concerned,
  - (iii) references to any Act, Order or Rules shall be construed as references to that Act, Order or Rules as applied to the Administered Area concerned, and
  - (iv) sub-paragraph (2) of paragraph 1 shall be omitted.
- [ *Gazette of India*, 1939, Extraordinary, p. 221.]

*Pol. Dept., No 13-W., dated the 4th September, 1939.*—In exercise of the powers conferred by sections 3, 4, 8 and 10 of the Foreigners

hereto annexed :

Provided that for the purpose of facilitating the application of the said Order, any Court or Authority may construe the provisions thereof with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

## SCHEDULE

Save where the context otherwise requires—

- <sup>1</sup>[(i) references to the Central Government or the Provincial Government shall be construed as references to the Governor of Assam,]
  - (ii) references to British India shall be construed as references to the Khasi States, including the Shillong Administered Areas, and
  - (iii) sub-paragraph (2) of paragraph 1 shall be omitted.
- [ *Gazette of India*, 1939, Extraordinary, p. 221.]

<sup>1</sup> Subs., Pol. Dept. Notfn. No 44-W., dated the 6th December, 1939.

<sup>2</sup> Repealed by the Foreigners Act, 1940 (II of 1940), but this Notification is kept alive by virtue of the provisions of s. 15 of the Act.

<sup>3</sup> *Supra*, p. 38.

<sup>4</sup> Subs., Pol. Dept. Notfn. No. 45 W., dated the 6th December, 1939.

*Pol. Dept., No. 16-W., dated the 5th September, 1939.*—In exercise of the powers conferred by section 10 of the Foreigners Ordinance, 1939 (Ordinance No. I of 1939),<sup>1</sup> as applied to the Gilgit Sub-Division, the Crown Representative is pleased to authorise the Political Agent of that Sub-Division to exercise the power of making orders of the nature specified in clauses (d), (e) and (f) of sub-section (2) of section 3 of the Foreigners Act, 1940 (II of 1940),<sup>2</sup> in respect to enemy foreigners as defined in section 3 of the said Act.<sup>3</sup>

[*Extraordinary*, p. 226.]

*Pol. Dept., No. 20-W., dated the 14th September, 1939.*—In exercise of the powers conferred by section 10 of the Foreigners Ordinance, 1939 (Ordinance No. I of 1939),<sup>1</sup> as applied to the Gilgit Sub-Division, and in supersession of the order of the Political Agent of that Sub-Division, I B, dated the 28th August, 1939, the Crown Representative is pleased to direct that all the functions of the Crown Representative under the Foreigners Order, 1939,<sup>2</sup> shall in that Sub-Division be exercised by the Political Agent of that Sub-Division.

[*Gazette of India*, 1939, Extraordinary, p. 279.]

*Pol. Dept., No. 41-W., dated the 4th August, 1941.*—In exercise of the powers conferred by sub-section (1) and sub-clause (vii) of clause (c) of sub-section (2) of section 3 of the Foreigners Act, 1940 (II of 1940), as applied to the Civil and Military Station of Bangalore, the Crown Representative is pleased to order that—

(i) no foreigner in the Civil and Military Station of Bangalore shall, except under the authority of a written permit granted by the Commissioner of Police, Civil and Military Station, Bangalore, have in his possession or use any camera;

(ii) every foreigner—

(a) taking a camera into the said station shall, immediately and in any case within six hours of his entry thereinto, or

(b) being already in the said station and in possession of a camera therein shall, within fourteen days from the commencement of this order,

report the fact to the said Commissioner of Police or one of such other officers as he may appoint, and shall, unless granted a permit under clause (i) of this Order, surrender the same within the said period to the said Commissioner of Police or officer, who shall grant a receipt therefor, and retain the camera in custody until the departure of the owner from the said station.

[*Gazette of India*, 1941, Pt. I-A, p. 131.]

<sup>1</sup> Repealed by the Foreigners Act, 1940 (II of 1940), but this Notification is kept alive by virtue of the provisions of s. 15 of the Act.

<sup>2</sup> *Supra*, p. 33.

<sup>3</sup> *Supra*, p. 31.

*Pol. Dept., No. 10-W., dated the 13th June, 1910.*—In exercise of the powers conferred by section 10 of the Foreigners Act, 1910 (II of 1940), as applied to the States in the North-East Frontier Province, in M. . . . .  
ed A . . . . .

concerned in respect of the Administered Areas, and the Governor of Assam in respect of the British Reserve in Manipur and the Khasi States, including the Shillong Administered Areas, to exercise the power of making orders of the nature specified in clauses (b), (c), (d), (e) and (f) of sub-section (2) of section 3 of the said Act, as applied to the said areas, Reserve and States, with respect to enemy foreigners as defined in the Enemy Foreigners Order, 1939.<sup>1</sup>

[*Gazette of India*, 1910, Extraordinary, p. 239.]

*Pol. Dept., No. 21-W., dated the 5th March, 1942.*—In exercise of the powers conferred by section 10 of the Foreigners Act, 1940 (II of 1940), as applied to the Gilgit Sub-Division, the Crown Representative is pleased to authorise the Political Agent, Gilgit, to exercise the powers—

- (a) of making orders of the nature specified in clauses (d), (e) and (f) of sub-section (2) of section 3 of the said Act, as respects foreigners other than enemy foreigners (as defined in the <sup>1</sup>Enemy Foreigners Order, 1939), and
- (b) of authorising, under section 10 of the said Act, his subordinate officers to exercise on his behalf the powers entrusted to him under clause (a) above, subject to the condition that the Political Agent shall, when authorising officers subordinate to him to exercise the power entrusted to him under clause (a) of this notification, require that the said power shall be exercised by such officers only in such circumstances to be specified in the order of authorisation.

[*Gazette of India*, 1942, Pt. I-A, p. 31.]

*Pol. Dept., No. 170-I. B., dated the 19th May, 1941.*—In exercise of the powers conferred by sub-section (6) of section 3 of the Excess Profits Tax Act, 1940 (XV of 1940), as applied to the District of Abu, the Crown Representative is pleased to apply to the said District, the <sup>2</sup>Excess Profits Tax (Boards of Referees) Rules, 1940, for the time being in force in British India, in so far as the said Rules may be applicable, subject to any amendments to which they are for the time being subject in British India, and subject to the modification that references to the Central Government shall be construed as references to the Crown Representative.

[*Gazette of India*, 1941, Pt. I-A, p. 99.]

<sup>1</sup> *Supra*, p. 38.

<sup>2</sup> *Supra*, p. 53.

*Pol. Dept., No. 243-I. B., dated the 6th August, 1941.*—In exercise of the powers conferred by rule 2 of the <sup>1</sup>Excess Profits Tax (Boards of Referees) Rules, 1940, as applied to the District of Abu, the Crown Representative is pleased to direct that the panel of persons eligible for appointment to a Board of Referees constituted in British India shall also be the panel for the purpose in the District of Abu.

[*Gazette of India*, 1941, Pt. I-A, p. 131.]

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*Pol. Dept., No. 46-I. B., dated the 7th February, 1941.*—In exercise of the powers conferred by section 12 of the National Service (European British Subjects) Act, 1940 (XVIII of 1940), as applied to certain areas in the Indian States specified in the Schedule annexed to the Political Department <sup>2</sup>Notification No. 45-I. B., dated the 7th February 1941, and of all other powers enabling him in that behalf, and in supersession of the Political Department notifications specified in the List below, the Crown Representative is pleased to apply to the said areas the <sup>3</sup>National Service (European British Subjects) Rules, 1940, in so far as the said Rules may be applicable, and subject to any amendments to which they are for the time being subject in British India.

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[*Gazette of India*, 1941, Pt. I-A, p. 22.]

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*Pol. Dept., No. 233-I. B., dated the 30th July, 1941.*—In exercise of the powers conferred by section 12 of the National Service (European British Subjects) Act, 1940 (XVIII of 1940), as applied to the Khasi States, including the Shillong Administered Areas, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said Khasi States and to the said Administered Areas, the <sup>4</sup>National Service Rules, 1940, in so far as the same may be applicable, and subject to any amendments to which they are for the time being subject in the Province of Assam.

[*Gazette of India*, 1941, Pt. I-A, p. 127.]

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*Pol. Dept., No. 18-W., dated the 15th July, 1940.*—In exercise of the powers conferred by section 19 of the National Service (Technical Personnel) Ordinance, 1940, as applied to certain Administered Areas by the notification of the Political Department, <sup>1</sup>No. 17-W., dated the 18th July 1940, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said Administered

<sup>1</sup> *Supra*, p. 58.

<sup>2</sup> *Supra*, p. 271.

<sup>3</sup> *Supra*, p. 110.

<sup>4</sup> *Supra*, p. 270.

Areas the National Service (Technical Personnel) Rules, 1940,<sup>1</sup> subject to any amendments to which the said Rules are for the time being subject in British India and subject to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Rules as so applied, and of any notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

#### SCHEDULE.

1. In sub-rule (2) of rule 3, after the figures "1898" the words "as applied to, or of the analogous law in force in, the Administered Area" shall be inserted.
2. In rule 10, sub-rule (2) of rule 13 and rule 18, for the words "Central Government", and in sub-rule (1) of rule 13, for the words "Government of India in the Department of Labour", the words "Crown Representative" shall be substituted.
3. In rule 12, for the words "Central Government" and the words "Provincial Government" the word "Resident" shall be substituted.

[*Gazette of India*, Extraordinary, 1940, p. 432.]

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*Pol. Dept., No. 20-W., dated the 18th July, 1940.*—In exercise of the powers conferred by section 19 of the National Service (Technical Personnel) Ordinance, 1940, as applied to the Khasi States, including the Shillong Administered Areas, and the British Reserve in Manipur by the notification of the Political Department, <sup>2</sup>No. 19-W., dated the 18th July, 1940, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said States and British Reserve the <sup>1</sup>National Service (Technical Personnel) Rules, 1940, subject to any amendments to which the said Rules are for the time being subject in British India and subject to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Rules as so applied, and of any notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

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<sup>1</sup> *Supra*, p. 110

<sup>2</sup> *Supra*, p. 271.



## SCHEDULE.

1. In sub-rule (2) of rule 3, after the figures "1898" the words "as applied to, or of the analogous law in force in, the administered area concerned" shall be inserted.
2. In rule 10, sub-rule (2) of rule 13 and rule 18, for the words "Central Government", and in sub-rule (1) of rule 13, for the words "Government of India in the Department of Labour", the words "Crown Representative" shall be substituted.
3. In rule 12, for the words "Central Government" and the words "Provincial Government" the words "Governor of Assam" shall be substituted.

[*Gazette of India*, Extraordinary, 1910, p. 432.]

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*Commerce Dept., No. 11-W. R. 1/42, dated the 28th February, 1912.*—  
In pursuance of the authority conferred by the Crown Representative, the Central Government is pleased to authorise—

- (i) the Principal Officers in British India of all firms which are for the time being employed under section 6 of the War Risks (Goods) Insurance (Administered Areas) Ordinance, 1910, as agents of the Central Government for the purposes of the said Ordinance, and
  - (ii) all other persons in British India who by virtue of a general or special power of attorney are competent to execute contracts on behalf of any of the said firms,
- to execute on behalf of the Crown Representative any contracts or other documents for the purpose of the said Ordinance

[*Gazette of India*, 1912, Pt. I, p. 441.]

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*Commerce Dept., No. 6-W. R. 1/42, dated the 28th February, 1912.*—  
In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the War Risks (Goods) Insurance (Administered Areas) Ordinance, 1910, as in force in certain Administered Areas by virtue of the notification of the Political Department, No. 180-I. B., dated the 28th May 1911, the Central Government, under the authority conferred in this behalf by the Crown Representative, is pleased to direct that the provisions of section 7 of the said Ordinance shall not operate so as to require a person to be insured in respect of any goods which in relation to that person would not, apart from the provisions of sub-section (2) of section 3 of the said Ordinance, be goods insurable under the said Ordinance.

[*Gazette of India*, 1912, Pt. I, p. 441.]

Commerce Dept., No. 7-W. R. I./42, dated the 28th February, 1942.—

In exercise of the powers conferred by sub-section (4) of section 3 of the War Risks (Goods) Insurance (Administered Areas) Ordinance, 1940, as in force in certain Administered Areas by virtue of the notification of the Political Department, <sup>1</sup>No. 180-I. B., dated the 28th May 1941, the Central Government, under the authority conferred in this behalf by the Crown Representative, is pleased to direct that the goods specified in the Schedule annexed to the notification of the Government of India in the Department of Commerce, <sup>2</sup>No. 13-W. R. I./41, dated the 26th April 1941, as amended from time to time, shall, notwithstanding anything contained in section 3 of the said Ordinance, be deemed not to be goods insurable under the said Ordinance.

[*Gazette of India*, 1942, Pt. I, p. 444.]

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Commerce Dept., No. 8-W. R. I./42, dated the 28th February, 1942 —

In exercise of the powers conferred by sub-section (1) of section 5 of the War Risks (Goods) Insurance (Administered Areas) Ordinance, 1940, as in force in certain Administered Areas by virtue of the notification of the Political Department, <sup>1</sup>No. 180-I. B., dated the 28th May 1941, the Central Government, under the authority conferred in this behalf by the Crown Representative, is pleased to direct that the War Risks (Goods) Insurance (Administered Areas) Scheme shall come into operation with effect from the first day of April 1942.

[*Gazette of India*, 1942, Pt. I, p. 444.]

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Commerce Dept., No. 9-W. R. I./42, dated the 28th February, 1942.—

It is hereby notified for general information that in pursuance of section 6 of the War Risks (Goods) Insurance (Administered Areas) Ordinance, 1940, as in force in certain Administered Areas by virtue of the notification of the Political Department, <sup>1</sup>No. 180-I. B., dated the 28th May 1941, the Central Government, under the authority conferred in this behalf by the Crown Representative, is pleased to employ as its Agents for the purposes of the said Ordinance the firms specified in the Schedule annexed to the notification of the Government of India in the Department of Commerce, <sup>2</sup>No. 7-W. R. I./40, dated the 14th September 1940, as amended from time to time.

[*Gazette of India*, 1942, Pt. I, p. 444.]

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<sup>1</sup> *Supra*, p. 276.

<sup>2</sup> *Supra*, p. 164.

<sup>3</sup> *Supra*, p. 171.

*Commerce Dept., No 10-W. R. I./42, dated the 28th February, 1942.*—In pursuance of sub-section (1) of section 7 of the War Risks (Goods) Insurance (Administered Areas) Ordinance, 1940, as in force in certain Administered Areas by virtue of the notification of the Political Department, 'No. 180-I. B., dated the 28th May 1941, the Central Government, under the authority conferred in this behalf by the Crown Representative, is pleased to specify the 31st day of March 1942 as the date for the purposes of the said sub-section.

[*Gazette of India*, 1942, Pt. I. p. 444.]

*Pol. Dept., No. 181-I. B., dated the 28th May, 1941.*—In exercise of the powers conferred by section 14 of the War Risks (Goods) Insurance Ordinance, 1940 (No IX of 1940), as applied to certain Administered Areas by the notification of the Political Department, 'No. 180-I B., dated the 28th May 1941, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said Administered Areas the<sup>2</sup> [<sup>3</sup>War Risks (Goods) Insurance Rules], subject to any amendments to which the said Rules are for the time being subject in British India and to the modifications specified in the Schedule hereto annexed.

Provided that any Court or Authority may construe the provisions of the said Rules as so applied, and of any notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority.

#### SCHEDULE.

1. Modification No. 1 (so far as it may be applicable) contained in the First Schedule annexed to the notification of the Political Department 'No 180-I B., dated the 28th May 1941.
2. For the words "Governor General of India in Council" or "Governor General", wherever they occur, the words "Crown Representative" shall be substituted.
- <sup>3</sup>[3. In the First, Third, Fifth and Sixth Schedules, for the words "Government of India"—
  - (a) wherever they occur immediately below the Coat of Arms and above "Instructions" in the Third Schedule, the words "Political Department", and
  - (b) wherever they occur elsewhere, the words "Crown Representative" shall be substituted.]

[*Gazette of India*, 1941, Pt. I-A, p. 102.]

<sup>1</sup> *Supra*, p. 276

<sup>2</sup> *Suba.*, Pol Dept. Notfn. No. 104 I B., dated the 17th March 1942.

<sup>3</sup> *Supra*, p. 177.

*Pol. Dept., No. 107-I. B., dated the 17th March, 1942.*—In exercise of the powers conferred by section 14 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), as applied to the Shillong Administered Areas by the notification of the Political Department, <sup>1</sup>No. 180-I. B., dated the 28th May 1941, as amended by the notification of that Department No. 25-I. B., dated the 2nd February 1942, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said Areas the <sup>2</sup>War Risks (Goods) Insurance Rules subject to any amendments to which the said Rules are for the time being subject in British India and to the modifications specified in the Schedule hereto annexed :

Provided that any Court or Authority may construe the provisions of the said Rules as so applied, and of any notifications, orders, directions or regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before that Court or Authority

#### SCHEDULE

1. Modification No. 1 (so far as it may be applicable) contained in the First Schedule annexed to the notification of the Political Department, <sup>1</sup>No. 180-I B, dated the 28th May 1941.
2. For the words "Governor General of India in Council" or "Governor General", wherever they occur, the words "Crown Representative" shall be substituted.
3. In the First, Third, Fifth and Sixth Schedules, for the words "Government of India"—
  - (a) where they occur immediately below the Coat of Arms and above "Instructions" in the Third Schedule, the words "Political Department", and
  - (b) wherever they occur elsewhere, the words "Crown Representative",
 shall be substituted.

[ *Gazette of India*, 1942, Pt I-A, p. 42 ]

*Pol. Dept., No. 217-I. B., dated the 10th July, 1941.*—In exercise of the powers conferred by sub-section (2) of section 10 of the Air Raid Precautions Services Ordinance, 1941 (Ordinance No IV of 1941), as applied to the Administered Areas in Central India, the Crown Representative is pleased to delegate to the Resident for Central India the power to make rules under the said section.

[ *Gazette of India*, 1941, Pt. I-A, p. 119.]

<sup>1</sup> *Supra*, p. 276

<sup>2</sup> *Supra*, p. 177.

*Pol. Dept., No. 6-I. B., dated the 8th January, 1942.*—In exercise of the powers conferred by sub-section (2) of section 10 of the Air Raid Precautions Services Ordinance, 1941 (Ordinance No. IV of 1941), as applied to the Civil and Military Station of Bangalore, the Crown Representative is pleased to delegate to the Resident in Mysore power to make rules under the said section.

[*Gazette of India*, 1942, Pt. I-A, p. 4.]

*Pol. Dept., No. 18-I. B., dated the 27th January, 1942.*—In exercise of the powers conferred on him by sub-section (2) of section 10 of the Air Raid Precautions Services Ordinance, 1941 (Ordinance No. IV of 1941), as applied to the Hyderabad Administered Areas, the Crown Representative is pleased to delegate to the Resident at Hyderabad power to make rules under the said section.

[*Gazette of India*, 1942, Pt. I-A, p. 11.]

*Pol. Dept., No. 38-I. B., dated the 9th February, 1942.*—In exercise of the powers conferred by sub-section (1) of section 3 of the War Injuries Ordinance, 1941 (Ordinance No. VII of 1941), as applied to the Gilgit Sub-Division, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the said Sub-Division, the <sup>1</sup>War Injuries Scheme, 1942, and the <sup>2</sup>War Injuries Regulations, 1942, made in pursuance of clause 47 of the said Scheme, as in force in British India, in so far as the said Scheme and the Regulations may be applicable and subject to any amendments to which they are subject in British India :

Provided that all references in the said Scheme and Regulations to the Provincial Government shall be construed as references to the Resident in Kashmir :

Provided further that any Court or Authority may construe the provisions of the said Scheme and Regulations with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court or Authority.

[*Gazette of India*, 1942, Pt. I-A, p. 18.]

*Pol. Dept., No. 61-I. B., dated the 19th February, 1942.*—In exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No. XI of 1941), as applied to railway lands in the Western India States Agency, the Crown Representative, being of opinion that the class of employment hereinafter specified is essential for securing the defence of British India and the

<sup>1</sup> *Supra*, p. 199.

<sup>2</sup> *Supra*, p. 211.

efficient prosecution of the war and for maintaining supplies and services necessary to the life of the community, is hereby pleased to declare any employment in connection with the regulation, construction, maintenance or operation of Railways specified in the notifications of the Government of India in the late Foreign and Political Department, Nos. 483-I and 484-I, dated the 3rd October 1924, to be employment to which the said Ordinance applies.

[ *Gazette of India*, 1942, Pt. I-A, p. 23.]

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*Pol. Dept., No. 62-I. B., dated the 19th February, 1942.*—In exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No. XI of 1941), as applied to the Hyderabad Administered Areas, the Crown Representative, being of opinion that the classes of employment hereinafter specified are essential for securing the defence of British India and the efficient prosecution of the war and for maintaining supplies and services necessary to the life of the community, is hereby pleased to declare any employment in connection with the regulation, construction, maintenance or operation of His Exalted Highness the Nizam's State Railway, the Great Indian Peninsula Railway, the Madras and Southern Mahratta Railway and the Barsi Light Railway, as described in the Hyderabad Administered Areas (Application of Laws) Order, 1937, to be employment to which the said Ordinance applies.

[ *Gazette of India*, 1942, Pt. I-A, p. 24.]

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*Pol. Dept., No. 73-I. B., dated the 5th March, 1942.*—In exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance, 1941 (No. XI of 1941), as applied to the Punjab States Railway Lands, the Crown Representative, being of opinion that the class of employment hereinafter specified is essential for securing the defence of British India and the efficient prosecution of the war and for maintaining supplies and services necessary to the life of the community, is hereby pleased to declare any employment in connection with the regulation, construction, maintenance or operation of Federal Railways and Indian State Railways specified in the notification of the Government of India in the late Foreign and Political Department, No. 345-I., dated the 2nd July 1924, to be employment to which the said Ordinance applies.

[ *Gazette of India*, 1942, Pt. I-A, p. 32.]

*Pol. Dept., No. 92-I. B., dated the 12th March, 1942.*—In exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No. XI of 1941), as applied to the Rajputana and Central India Railway Lands, the Crown Representative, being of opinion that the class of employment hereinafter specified is essential for securing the defence of British India and the efficient prosecution of the war and for maintaining supplies and services necessary to the life of the community, is hereby pleased to declare any employment in connection with the regulation, construction, maintenance or operation of the Railways specified in the notifications of the Government of India in the late Foreign and Political Department, Nos. 332-I. and 333-I., dated the 4th June 1936, to be employment to which the said Ordinance applies.

[*Gazette of India*, 1942, Pt. I-A, p. 39.]

# LEGISLATION AND ORDERS RELATING TO THE WAR.

## PART X.

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### Miscellaneous Notifications.

*Supply Dept., No. 1-39, dated the 31st August, 1939.*—The Governor General in Council is pleased to set up, with effect from the date of this notification, a War Supply Board, the functions of which will be to

ment of India and of commercial firms or organisations to that end. The Director General of Supply and the Deputy Director General of Supply will be respectively President and Vice-President of the Board, which will be composed as follows :—

1. A representative of the Railway Board.
2. A representative of the Master General of the Ordnance Branch.
3. A representative of the Quartermaster General's Branch.
4. A representative of the Finance Department.
5. The Chief Controller, Indian Stores Department.
6. The Director of Contracts.

[ *Gazette of India, Extraordinary, 1939, p. 197.* ]

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*Comms. Dept., No. W-30 (1), dated the 8th September, 1939.*—The Governor General in Council is pleased to set up, with effect from the date of this notification, a War Transport Board in the portfolio of the Member in charge of Communications, the functions of which will be to secure such co-ordination of different forms of transport as may be necessary for the proper prosecution of the War. The Hon'ble Sir Guthrie Russell, K.C.I.E., will be the President of the Board, which will be composed as follows :—

1. A representative of the Railway Board.
2. A representative of Quartermaster General's Branch.
3. A representative of Flag Officer Commanding, Royal Indian Navy.



4. A representative of Commerce Department.

5. A representative of the Defence Co-ordination Department.

The Secretary of the Board will be Mr. H. Ronson, I.C.S. The Board shall have the authority to co-opt additional members as and when necessary.

[ *Gazette of India*, 1939, Pt. I, p. 1528 ]

*Defence Dept., No. 1197, dated the 11th September, 1939.*—Whereas in the opinion of the Governor General in Council a state of emergency has arisen ;

Now, therefore, the Governor General in Council is pleased to direct that officers of the Army in India Reserve of Officers belonging to Category 8—Medical (Recruiting Staff), who have accepted or volunteer for service in an emergency, are hereby called to army service.

[ *Gazette of India*, Extraordinary, 1939, p. 269.]

*Defence Dept., No. 1245, dated the 18th September, 1939.*—Whereas in the opinion of the Governor General in Council a state of emergency has arisen ;

Now, therefore, the Governor General in Council is pleased to direct that officers of the Army in India Reserve of Officers belonging to the following Categories, who have accepted or volunteer for service in an emergency, will be called to army service as and when required :—

1—A Staffs.

1—D Intelligence.

2—Cavalry (Horsed).

2—Cavalry (Armoured).

3—Engineers " A " and " B ".

4—Signals.

5—Infantry.

6 (n) Misc. Duties—M. G. O. Services.

6 (p) Misc. Duties—Internment Camps.

7—R. I. A. S. C. (Supplies).

7—R. I. A. S. C. (A. T.).

7—R. I. A. S. C. (M. T.).

11—Recruiting Staff.

12—Indian Artillery.

[ *Gazette of India*, Extraordinary, 1939, p. 283.]

*Supply Dept., No. 17, dated the 20th March, 1940.*—It is hereby notified for general information that the Ministry of Supply in the United Kingdom has found it necessary to restrict the export to India of steel in the following forms :—

- (a) Steel plates, rails, sections (all shapes), bars (including bright bars) and flats.
- (b) Hoop and strip (including cold rolled strip).
- (c) Steel sheets (coated and uncoated).
- (d) Tin plates (including black Terno and silver finished plates).
- (e) Steel sheet.
- (f) Alloy and special steels, forgings, castings and pressings.
- (g) Steel tubes, pipes and fittings.
- (h) Steel bolts, nuts, rivets, washers, screws and studs.
- (i) Steel wire, rivets, wire for some wire products.

2. In agreement with the Government of India, the total quantity of the above classes of steel which will be available for export to India during the calendar year 1940, has now been determined. Separate quotas have been laid down for Burma and Ceylon. All the requirements of the Defence Services, Railways, all Central and Provincial Government Departments and Indian States, as well as all branches of the industry in India, will have to be met from this limited quantity. It is not, however, anticipated at present that this will involve any appreciable reduction over what has normally been imported hitherto.

3. All steel of the classes mentioned above imported since the 1st January, 1940, will be debited against the quota for the current year. In the case of orders already placed or pending, arrangements will be made for compliance with them having due regard to their relative importance. But no further orders or demands will hereafter be accepted in the United Kingdom unless supported by a Quota Recommendation Certificate issued by the Department of Supply in India.

4. Detailed instructions regarding applications for the grant of Quota Recommendation Certificates, and the procedure to be followed by firms who have orders placed in, and/or demands pending on the United Kingdom, will be obtainable from the Department of Supply on or after the 1st of April, 1940.

5. Applications for the forms to be used and for further information should be addressed to the Department of Supply with a superscription on the top left hand corner "Steel Quota Instructions".

4. A representative of Commerce Department.

5. A representative of the Defence Co-ordination Department.

The Secretary of the Board will be Mr. H. Ronson, I.C.S. The Board shall have the authority to co-opt additional members as and when necessary.

[ *Gazette of India*, 1939, Pt. I, p. 1528.]

*Defence Dept., No. 1197, dated the 11th September, 1939.*—Whereas in the opinion of the Governor General in Council a state of emergency has arisen ;

Now, therefore, the Governor General in Council is pleased to direct that officers of the Army in India Reserve of Officers belonging to Category 8—Medical (Recruiting Staff), who have accepted or volunteer for service in an emergency, are hereby called to army service.

[ *Gazette of India*, Extraordinary, 1939, p. 269.]

*Defence Dept., No. 1245, dated the 18th September, 1939.*—Whereas in the opinion of the Governor General in Council a state of emergency has arisen ;

Now, therefore, the Governor General in Council is pleased to direct that officers of the Army in India Reserve of Officers belonging to the following Categories, who have accepted or volunteer for service in an emergency, will be called to army service as and when required :—

1—A Staffs.

1—D Intelligence.

2—Cavalry (Horsed).

2—Cavalry (Armoured).

3—Engineers " A " and " B ".

4—Signals.

5—Infantry.

6 (n) Misc. Duties—M. G. O. Services.

6 (p) Misc. Duties—Internment Camps.

7—R. I. A. S. C. (Supplies).

7—R. I. A. S. C. (A. T.).

7—R. I. A. S. C. (M. T.).

11—Recruiting Staff.

12—Indian Artillery.

[ *Gazette of India*, Extraordinary, 1939, p. 283.]



*Defence Dept., No. 428, dated the 23rd March, 1940.*—Whereas in the opinion of the Governor General in Council a state of emergency has arisen ;

Now, therefore, the Governor General in Council is pleased to direct that officers of the Army in India Reserve of Officers belonging to the following Categories, who have accepted or volunteered for service in an emergency, will be called to army service as and when required :—

7-B. I.A.O.C. (O.M.Es.).

7-B. I.A.O.C. (Stores).

[ *Gazette of India*, 1940, Pt. I, p. 396.]

*Supply Dept., No. 19, dated the 11th April, 1940.*—In amplification of the Notification of the Government of India in the Department of Supply, No. 17, dated the 20th March, 1940,<sup>1</sup> it is now hereby notified for general information that the complete list of the various classes of steel to be subject to quota control will be as under :—

- (a) Ingots, billets, blooms, and slabs.
- (b) Plates, medium plates, angles, channels, tees, joists, piling sections, other sectional material, rounds, rods, squares, hexagons, flats, other sections and shapes (and whether black or bright), rails, sleepers, fishplates, soleplates.
- (c) Sheets, coated and uncoated, less than 3 mm. thick including galvanized, lead-coated and cellactite sheets.
- (d) Tinplates, terne plates, black plates, silver finished plates.
- (e) Shell steel.
- (f) Steel tubes and pipes (including imported hollows).
- (g) Hoops, strip (whether coated or uncoated and whether hot or cold rolled).
- (h) Tyres, axles, wheels.
- (i) Steel castings, forgings, stampings.
- (j) Colliery arches, and accessories therefor, pit props.
- (k) Steel bolts, nuts, studs, washers, rivets and screws.
- (l) Railway springs (whether laminated or coiled).
- (m) Wire rods, coated or uncoated, wire, whether plain or barbed, wire rope, wire strand, wire netting, wire chain link fencing, wire mesh, wire nails, excluding boot and shoe grindery, wire staple, excluding machine staple.

2. Detailed instructions regarding applications for the grant of Quota Recommendation Certificates and the procedure to be followed can be obtained from :—

- (1) The Controller of Supplies, Bengal, Calcutta.
- (2) The Controller of Purchase, Indian Stores Department, Bombay.
- (3) The Controller of Purchase, Indian Stores Department, Karachi.
- (4) The Assistant Controller of Inspection, Indian Stores Department, Madras.
- (5) The Department of Supply, New Delhi/Simla.

[ *Gazette of India*, 1940, Pt. I, p. 551.]

*Defence Dept., No. 751, dated the 25th May, 1940.*—Whereas in the opinion of the Governor General in Council a state of emergency has arisen ;

Now, therefore, the Governor General in Council is pleased to direct that officers of the Army in India Reserve of Officers belonging to the following categories, who have accepted or volunteered for service in an emergency, will be called to army service as and when required :—

1—B Movement (R. T. & M. F.) Staff.

6 (a) Misc. Duties—Reinforcement Camps,

6 (b) Misc. Duties—Rest Camps.

6 (d) Misc. Duties—Indian General Service Corps Depot.

6 (g) Misc. Duties—Labour Companies.

6 (h) Misc. Duties—Labour Corps Depot.

6 (i) Misc. Duties—Road Construction Corps Depot.

6 (j) Misc. Duties—Rest Camps (Independent Sections).

6 (l) Misc. Duties—Field Cashiers.

6 (m) Misc. Duties—Railway Reserve Regiment.

6 (o) Misc. Duties—Pool.

[ *Gazette of India*, 1940, Pt. I, p. 778 ]

*Supply Dept., No. 47, dated the 22nd/25th June, 1940* —It is notified for general information that the Ministry of Supply in the United Kingdom have intimated that the prospect of permits being issued for the Export of any *Machine Tools* from the United Kingdom to India, for other than Defence purposes, for several months to come is extremely remote. No orders for Machine Tools from the United Kingdom will be considered by the Ministry of Supply unless they are supported by a recommendation from the War Supply Board. Applications for such recommendations should be submitted to the Department of Supply on Form W. S. B. 5-B or C., accompanied by a covering note giving, in the fullest detail, the purpose for which the Machine Tool is required and explaining the urgency of the demand. The Supply Department

at the date of their embarkation,] shall apply to all persons recruited in the United Kingdom for appointment to the railway services and posts under the rule-making control of the Governor General in Council.

3. The powers exercisable by His Majesty's Minister of Pensions under the said scheme, shall, in relation to persons to whom these Rules apply, be exercised by the Governor General in Council.

[*Gazette of India*, 1941, Pt. I, p. 239.]

*Finance Dept., No. F. 5 (I)-R. II/41, dated the 16th January 1941.*—The following Rules made by the Secretary of State for India are published for general information:—

"I, Leopold Charles Maurice Stennett Amery, one of His Majesty's Principal Secretaries of State, in exercise of the powers conferred on me, by section 247 of the Government of India Act, 1935, hereby make, with the concurrence of my Advisers, the following Rules:—

1. (i) These Rules shall be called "The Secretary of State's Service (War Injuries) Rules, 1940".
- (ii) They shall come into force on 1st June 1940.
2. During the period of voyage from the United Kingdom to India

their embarkation,] shall apply to all persons recruited in the United Kingdom for appointment to the Indian Civil Service and the Indian Police.

3. The powers exercisable by the Minister of Pensions under the said Scheme shall in relation to persons to whom these Rules apply, be exercised by the Secretary of State.

Given under my hand this third of July 1940.

L. S. AMERY,

*One of His Majesty's Principal Secretaries of State.*

[*Gazette of India*, 1941, Pt. I, p. 90.]

*Defence Dept., No. 1303, dated the 9th August, 1941.*—Whereas in the opinion of the Governor General in Council a state of emergency has arisen;

Now, therefore, the Governor General in Council is pleased to direct that officers of the Army in India Reserve of Officers belonging to Category 9—Veterinary, who are liable, or have voluntarily accepted liability, to be called to military service in an emergency, will be called to military service as and when required.

[*Gazette of India*, Extraordinary, 1941, p. 485.]

<sup>1</sup> *Ind., Finance Dept. Notfn. No. F. 5(1) W./41, dated the 20th November 1941.*







